

ESTTA Tracking number: **ESTTA708575**

Filing date: **11/13/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213057
Party	Plaintiff Hybrid Athletics, LLC
Correspondence Address	WESLEY W WHITMYER JR WHITMYER IP GROUP LLC 600 SUMMER STREET STAMFORD, CT 06901 UNITED STATES mkosma@whipgroup.com, litigation@whipgroup.com
Submission	Testimony For Plaintiff
Filer's Name	Michael J. Kosma
Filer's e-mail	mkosma@whipgroup.com, litigation@whipgroup.com
Signature	/Michael J. Kosma/
Date	11/13/2015
Attachments	Notice of Filing Castro.pdf(200529 bytes) David Castro.pdf(227198 bytes) Castro Exhibits.pdf(2636601 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HYBRID ATHLETICS, LLC,	:	
	:	
Opposer,	:	Opposition No. 91213057
	:	
v.	:	
	:	
HYLETE LLC,	:	
	:	
Applicant.	:	

OPPOSER'S NOTICE OF FILING CASTRO TRIAL TESTIMONY

PLEASE TAKE NOTICE THAT pursuant to Trademark Rule 2.123(h) and 2.125(c),
Opposer files herewith the following:

- 1) A true copy of the transcript of the testimony deposition of David Castro, taken on September 9, 2015, and all exhibits thereto.

Respectfully submitted,

HYBRID ATHLETICS, LLC

November 13, 2015

/s/ Michael J. Kosma
Michael J. Kosma
Christina L. Winsor
Whitmyer IP Group LLC
600 Summer Street
Stamford, CT 06901
Tel. (203) 703-0800
Facsimile (203) 703-0801
Email: litigation@whipgroup.com
mkosma@whipgroup.com

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing OPPOSER'S NOTICE OF FILING CASTRO TRIAL TESTIMONY was served by first class mail, postage prepaid on the Correspondent for the Applicant at the below address. This is to further certify that a true copy of the testimony deposition, taken on September 9, 2015, of David Castro and all exhibits thereto were served upon Correspondent for the Applicant via FedEx overnight delivery on September 24, 2015.

Kyriacos Tsircou
Tsircou Law, P.C.
515 S. Flower Street, Floor 36
Los Angeles, CA 90071-2221

November 13, 2015
Date

/s/ Joan M. Burnett
Joan M. Burnett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD

HYBRID ATHLETICS LLC,	:	
	:	
Opposer,	:	Opposition
	:	No.
vs.	:	91213057
	:	
HYLETE LLC,	:	
	:	
Applicant.	:	
	:	

DEPOSITION OF DAVID CASTRO
RANCHO SANTA FE, CALIFORNIA
WEDNESDAY, SEPTEMBER 9, 2015

Reported by: Karla Meyer Baez, RPR-CRR, CSR No. 4506
Job No. 14821

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEPTEMBER 9, 2015

10:16 A.M.

TRIAL DEPOSITION OF DAVID CASTRO, held at the
Law Offices of Charles LiMandri, 16236 San Dieguito
Road, Building 3, Suite 3-15, Rancho Santa Fe,
California, before Karla Meyer Baez, Registered
Professional Reporter, Certified Realtime Reporter,
California Certified Shorthand Reporter No. 4506.

A P P E A R A N C E S:

WHITMYER IP GROUP

Attorneys for Opposer

600 Summer Street

Stamford, Connecticut 06901

BY: MICHAEL J. KOSMA, ESQ.

mkosma@whpgroup.com

TSIRCOU INTELLECTUAL PROPERTY LAW

Attorneys for Applicant

515 S. Flower Street, 36th Floor

Los Angeles, California 90071

BY: JOHN BEGAKIS, ESQ.

johnbegakis@tsircoulaw.com

CROSSFIT CHIEF LITIGATION COUNSEL

Attorney for Deponent

MARSHALL S. BRENNER

Chief Litigation Counsel

T: 619.540.5017

marshall@crossfit.com

1 APPEARANCES (CONTINUED)

2
3
4 ALSO PRESENT:

5 Rob Orlando, Hybrid Athletics

6 Ron Wilson, Hylete LLC
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

EXAMINATION

Witness Name	Page
--------------	------

DAVID CASTRO

By MR. KOSMA	6
--------------------	---

By MR. BEGAKIS	43
----------------------	----

By MR. KOSMA	52
--------------------	----

EXHIBITS

Exhibit	Description	Page
---------	-------------	------

Exhibit 1	Hybrid Athletics logo	28
-----------	-----------------------	----

Exhibit 2	Picture, HYBRID000664	30
-----------	-----------------------	----

Exhibit 3	Pictures, HYBRID00674 and 675	31
-----------	-------------------------------	----

Exhibit 4	Photograph, HYBRID000670	34
-----------	--------------------------	----

Exhibit 5	Photograph, HYBRID000680	34
-----------	--------------------------	----

Exhibit 6	Hylete H logo	36
-----------	---------------	----

Exhibit 7	Hylete logo, HYBRID004102	36
-----------	---------------------------	----

Exhibit 8	Opposer's Notice of Trial Deposition	42
-----------	--------------------------------------	----

1 D A V I D C A S T R O

2 called as a witness, having been first duly sworn
3 by the Certified Shorthand Reporter, was examined and
4 testified as follows:

5

6 EXAMINATION

7 BY MR. KOSMA:

8 Q. Can you please state your name for the record.

9 A. David Castro.

10 Q. Mr. Castro, how old are you?

11 A. 38.

12 Q. Who is your current employer?

13 A. CrossFit.

14 Q. And before working for CrossFit where did you
15 work?

16 A. I was in the Navy.

17 Q. And when did you start with the Navy?

18 A. After -- shortly after high school, I dropped
19 out of college a few months in and enlisted, '98. That
20 was '98 -- '97. '97.

21 Q. And what did you do in the Navy?

22 A. I was a Seal.

23 Q. And what is a Seal?

24 A. A special warfare, special operator, special --
25 like a green beret, the Navy equivalent of a green

1 beret.

2 Q. How long were you a Navy Seal?

3 A. 12 and a half years.

4 Q. What year did you retire from the Navy?

5 A. Well, I got out. Retirement is 20 years. I
6 got out of the Navy in 2010. So to say someone is
7 retired they have done 20, so I didn't retire. I didn't
8 do 20. I just got out at 12 years.

9 Q. And after leaving the Navy what did you do?

10 A. I continued to work for CrossFit. I worked for
11 CrossFit while in the Navy for about three or four
12 years, and then there was a point where I had to make a
13 decision to -- I could stay in the Navy but not work for
14 CrossFit, because I'd have to be operational again, have
15 to deploy and stuff, or get out and work full-time for
16 CrossFit; and I chose to get out and work for CrossFit.

17 Q. And what year did you start working for
18 CrossFit?

19 A. I started working for CrossFit in 2006.

20 Q. And in what capacity were you working with
21 CrossFit in 2006?

22 A. I started helping out at seminars, started
23 helping with Coach Glassman on his Level 1 seminar team.

24 Q. What is a seminar?

25 A. It's a two-day course where they teach you how

1 to be a -- they teach you the principles of CrossFit,
2 how to do the CrossFit movements, how to do the
3 movements we use in CrossFit, and the methodology behind
4 the program; and also for people interested in becoming
5 trainers it's the first step in becoming a CrossFit
6 trainer.

7 Q. And how long did you participate in seminars?

8 A. I still do it. So I still -- that's my role.
9 My main role in CrossFit is planning and scheduling and
10 organizing and leading the teams that do the seminars.
11 So I started off teaching, and then over the years the
12 role expanded.

13 Q. So when you first started with CrossFit what
14 was your title?

15 A. I didn't have a title. I mean I'd help out,
16 like I was literally just a guy helping organize and
17 move chairs and just -- I was just one of the trainers.

18 Q. You said you were working with --

19 A. Greg Glassman, the founder and CEO of CrossFit.

20 Q. And what was -- did you have any subsequent
21 titles?

22 A. Eventually I earned the title Director of
23 Training. As a -- in the beginning there was no titles,
24 you know. I just worked my way up, just always helped
25 out; and he informally gave me the task, along with

1 Nicole Carroll, of running the seminars; and then he
2 gave us the title Directors of Training.

3 Q. In what year was that?

4 A. 2006, '07. 2007 is also the first year we ran
5 the CrossFit Games, and that's when I became the
6 Director of the Games. It probably wasn't even that
7 formal then. It was probably '08 or '09 till, you know,
8 it started growing and we formalized it.

9 Q. In 2008 or 2009 your title was Director of
10 CrossFit Games?

11 A. Also, yes. So now I have two titles with
12 CrossFit.

13 Q. As the Director of CrossFit Games, what are
14 your duties?

15 MR. BEGAKIS: Objection. Calls for narrative.

16 A. What are my duties as Director of the CrossFit
17 Games? I run and plan and schedule and organize the
18 CrossFit Games and all of the events around them; and so
19 I lead that department, I lead that aspect of our
20 program, of our business.

21 BY MR. KOSMA:

22 Q. When you say events around them, what are those
23 events?

24 A. The open, the regionals, the CrossFit Games,
25 the invitational. Really any competition that CrossFit

1 does, I have a hand in or organize.

2 Q. In your work with CrossFit do you travel a lot?

3 A. Yeah. I travel.

4 Q. How -- how often would you say you travel?

5 A. You know, two or three times a month a least.

6 During heavy periods when we have the regionals I'm
7 traveling every weekend. This year, you know, one
8 Friday I was in Australia, Saturday I was in California,
9 and Sunday I was in the Northeast for regionals. So
10 during those events I travel a lot.

11 Out of those events I'm traveling for meetings
12 with Greg, with, you know, CEOs of various companies or,
13 you know, flying up to Reebok, meeting with them.

14 So there's always a lot of little travel in
15 between that just pops up, like, hey, we need to be here
16 next week; and I actually don't even -- it's so routine
17 now, I don't pay attention to that, I'm not -- you know,
18 I flew this many times this month. It's just part of
19 the business.

20 Q. Did you always travel since starting with
21 CrossFit?

22 A. Yes, because when I started in 2006 the
23 seminars were starting to go on the road, and right away
24 I was traveling for seminars, and that's really one of
25 the reasons I became -- I earned my position is because

1 I never said no to any work, and I just helped out and
2 helped for free in the beginning for a long time, before
3 getting a paid role.

4 Q. Between the years of, say, when you started
5 with CrossFit Games in 2007 through 2012, where would
6 you travel in the U.S.?

7 A. All over, U.S., Canada, you know, most major
8 cities, even international, going to Australia, going to
9 South America, going to Europe, up to 2012, yeah,
10 globally.

11 Q. In the U.S. would you travel -- where would you
12 say you traveled to, you know, for the regionals?

13 MR. BEGAKIS: Objection. Leading the witness.

14 A. The Northeast, I traveled to the Southeast,
15 Mid-Atlantic, Northwest. Anywhere we had a region I'd
16 go to.

17 One of the things I do is I try to go to every
18 single regional we do, just to get eyes on our
19 leadership that I've assigned to run those regions, to
20 do quality assurance, essentially, and to show support
21 for the events, the community and the leaders of those
22 events.

23 So I've done -- basically once we started
24 implementing regionals I made it a key goal of mine to
25 go to as many as I can, and that started in 2010, '09 or

1 '10.

2 Q. Do you visit CrossFit gyms regularly?

3 A. Yeah. I visit a lot of CrossFit gyms.

4 Q. When you travel how often do you visit a
5 CrossFit gym?

6 A. So in the last year, since August of last year
7 to now, I've visited 143 different CrossFit gyms. So
8 you could say every other day I've been to a CrossFit
9 gym.

10 What that looks like in application is I'll pop
11 into a city and I'll just pull up the map, the CrossFit
12 map, and go to five or six gyms, you know, in as many
13 hours as it takes me to go to those in an evening, if I
14 have the time off. I never schedule anything. I just
15 do it if I can. I'm very informal with it. I'll just
16 show up.

17 Q. And between the years of 2008 and 2012, would
18 you also visit CrossFit gyms regularly?

19 A. Yes. Yes. I'm just using this as an example
20 because I just started keeping track this year.

21 But basically since I started working for
22 CrossFit in 2006 I routinely visit CrossFit gyms. I've
23 probably visited thousands, but I haven't kept track
24 till now.

25 Q. And what do you do when you visit a CrossFit

1 gym?

2 A. I walk in, introduce myself, say hello to the
3 owners, talk to them about their gym, ask them a few
4 questions about it, just ask them if they need -- how
5 CrossFit is supporting them, how it's not, what they
6 need from us, you know, just learn something about who
7 they are.

8 Now I'm also working out at gyms. That's the
9 first I've done that. I've started going to CrossFit
10 gyms to actually train.

11 Q. Since you started with CrossFit how have you
12 seen CrossFit grow?

13 A. Man, I mean it's been -- there's so many
14 different areas I've seen it grow in.

15 In 2005 when I started CrossFit -- I started
16 working for them in 2006. In 2005 when I started
17 CrossFit, I mean there was 20 or 30 affiliates on the
18 right-hand side of the web page; and now, you know,
19 there's 13,000.

20 And so I've been working for CrossFit and
21 seeing it. Yeah, I remember -- I can remember Greg
22 going, hey, we're about to hit 3,000 affiliates; and
23 we're all, like, that's crazy, and then we're about to
24 hit 5,000, we're about to hit 10,000. And now it's just
25 like what's the limit. That's just in affiliate growth.

1 In seminars, you know, we were doing one
2 seminar every month, and then it grew to two seminars
3 every month. By a certain point we were doing one every
4 weekend. Now we're doing 15 to 20 Level 1 seminars in
5 any given weekend; so -- and everywhere in between.
6 I've been part of that. That growth in the seminar
7 department, I've directly been responsible for scaling,
8 scaling meaning creating the trainers, creating the
9 infrastructure to go from where we're only doing 1 to
10 where we're doing 15 to 20. So I've seen a lot of
11 growth. That's not even talking about the growth within
12 the CrossFit Games and that aspect that, you know,
13 obviously I've been there the entire time.

14 Q. How have the CrossFit Games grown?

15 MR. BEGAKIS: Objection. Calls for narrative.

16 BY MR. KOSMA:

17 Q. When did the CrossFit Games first commence?

18 A. 2007 was the first CrossFit Games, and we did
19 those on my parents' ranch, and there was 125 total
20 people probably there, 50 or 60 competitors, and the
21 rest were spectators and fans and organizers.

22 And then the next year, 2008, we had 300
23 competitors and probably 5- or 600 hundred fans. 2009
24 we had to switch the format to actually have a
25 qualification to get there; and, you know, we had

1 probably a few thousand spectators show up.

2 2009 was the first year that it was really,
3 like, okay, this is really going to be big; and then
4 2010, '11, '12, '13, up to now, you know, every year
5 it's just grown tremendously.

6 And we really now -- now after 2009 we tracked
7 the growth with open participation, seeing how many
8 people are participating there in terms of how many
9 people are doing it.

10 And then obviously, I mean, the Reebok
11 sponsorship, the ESPN stuff, that's all a testament to
12 it growing and people being very interested in it.

13 Q. Between the years of 2008 and 2012 how would
14 you say the open grew?

15 MR. BEGAKIS: Objection. Calls for narrative.

16 A. Well, the open didn't -- we didn't have the
17 open in 2008. We didn't have the open in 2009. We
18 started it in 2010. And so the first year we did
19 it -- what did we have -- I think we had like 17,000 or
20 19,000 people participate. The next year we had 70,000.
21 The year after that we had 180 -- I forget the exact
22 numbers -- up to last year where we had 270,000 people
23 participating.

24 BY MR. KOSMA:

25 Q. Are you familiar with brands in the CrossFit

1 community?

2 A. Yeah. I have to be at this -- you know, with
3 my role in the games, I have to be very familiar with
4 the brands.

5 Q. What is it -- what is the exposure for brands
6 at CrossFit events?

7 MR. BEGAKIS: Objection. Calls for
8 speculation.

9 A. It's huge. I mean, you know, so many brands
10 are, you know -- I'll give a good story here. I just
11 went to China last week, and I was there for seven days,
12 and while I was there the biggest complaint was we don't
13 have Reebok easily supporting us, we don't have --
14 Reebok is not -- the Nanos and the shoes and the gear
15 are not easy to get there.

16 And then they were say in the next sentence,
17 neither is Progenics, we can't get Progenics, and we're
18 having a hard time getting Road Gear. And, you know,
19 all three of those brands and all three of those gears
20 are major sponsors of the CrossFit Games.

21 And that story right there just solidifies how
22 important or what we do to these brands when they are
23 associated with us, you know, half a world away in a
24 Communist country.

25 These Chinese individuals want those brands and

1 it's because of their association to CrossFit and the
2 CrossFit Games. And, you know, it -- that's what
3 associating with our brand does. It makes CrossFitters
4 who -- we don't know how many there are, there's
5 millions -- want to be seen in that gear, part of that
6 community.

7 Q. How have you seen brands grow with CrossFit?

8 MR. BEGAKIS: Objection. Calls for narrative.

9 A. You know, look at Rogue. Rogue is the best
10 storyline there in terms of how has a brand grown with
11 CrossFit.

12 In 2007 or 2008 Bill was at a seminar in Ann
13 Arbor, Michigan, Bill Henniger, the owner and founder of
14 Rogue Fitness; and he walked up to me and he says, "hey,
15 I started this company called Rogue and I've made jump
16 ropes, I'm making jump ropes, that's the first thing I'm
17 starting with," and he goes "I'd like to help you guys
18 out at the game with whatever gear you need, you know,
19 and I'll get it or produce it or source it."

20 And I was like all right, this is cool, this is
21 cute, another gear company. Again Faster was around.
22 And I didn't say another gear company because there
23 wasn't many then.

24 But as someone trying to get into that world,
25 he gave me his jump rope. He ended up supplying boxes

1 for the 2009 games, and then in 2010 and beyond we
2 formalized it, but I've watched his company go from he's
3 making jump ropes to now -- I went out there earlier
4 this year, and he has 700,000 square feet of warehouse
5 spread across three locations in Columbus. He's
6 consolidating all of that onto a block in Columbus that
7 was planned to be a Walmart.

8 Walmart fell through, so the local -- the
9 government approached Bill and said, hey, we want you to
10 have this land or buy it, purchase this land and build
11 your headquarters there.

12 So now Bill is building one consolidated 8- or
13 900,000 square foot headquarters on this lot, and
14 that's -- that growth and seeing that, he's the best
15 story of how a company has grown alongside CrossFit; and
16 it's all, you know, making and selling CrossFit gear.

17 And what he did that no one else did was he,
18 you know, back in 2005, '06, '07, if you wanted CrossFit
19 gear, you had to go to five or six different websites to
20 buy. You had to go to a gymnastics website for rings,
21 you had to go to a weightlifting site for bumper plates.

22 Bill and Again Faster both tried consolidating
23 those markets. Bill made the right decision in deciding
24 he was going to also manufacture. Again Faster decided
25 they were going to be just a vendor and bring other

1 people's gear together and sell it.

2 Bill's choice was the right choice. And so
3 yeah, I've seen companies like his blow up. Even, you
4 know, smaller companies like Progenics, they are getting
5 really popular obviously because of their association
6 with us and a lot of small brands that don't have the
7 same growth that he does. His is a unique one. I
8 wouldn't say what happens to him happens to everyone.

9 BY MR. KOSMA:

10 Q. So for brands like Progenics and Rogue, how
11 important is the CrossFit community in supporting those
12 brands?

13 MR. BEGAKIS: Objection. Leading the witness.

14 A. Entirely supportive. If it wasn't for -- if it
15 wasn't for CrossFit community and supporting Rogue --
16 supporting Rogue through purchasing equipment, Bill
17 would never have the growth that he has.

18 So in Rogue's case and even in Progenics, I
19 would say they have no life without us or without being
20 associated with us.

21 The strength and conditioning world, there
22 wasn't a market for this stuff pre-us, like there is now
23 for bumpers, for rings, for rollers. We've kind of
24 created this megamarket for those things.

25 BY MR. KOSMA:

1 Q. So you talked about CrossFit gyms before.

2 Does CrossFit own gyms?

3 A. No. CrossFit HQ does not own gyms.

4 Q. Does CrossFit sponsor gyms?

5 A. No, not in the sense of we are investing in
6 them, but you could -- I give spots to people to work
7 out at gyms or I'll give a gym spots to -- I'll give a
8 gym seminar spots to train someone, so we'll sponsor
9 them in unofficial ways, or a gym might be hard up on
10 cash or need their fee for affiliation waived, we'll
11 help them out like that. You could say that's a -- it's
12 not a formal sponsorship or not an ongoing long-term
13 thing, but we don't help someone, like here's \$50,000,
14 go start up a gym. We don't do anything like that.

15 Q. In promoting the games, does CrossFit promote
16 individual athletes?

17 A. Absolutely, but not in the sense you would
18 think of normal promotion. We are not putting people on
19 billboards. We're not putting people in magazines, even
20 though people have been in magazines, but it's not by
21 our efforts.

22 What we do is we promote our individuals
23 through featuring them in videos on the website, on our
24 media outlets. Our media outlets are our strongest way
25 of promoting individuals and products, really, because

1 we have such a big media reach.

2 Q. How does CrossFit promote itself?

3 MR. BEGAKIS: Objection. Calls for narrative.

4 A. We don't promote ourselves again in a
5 traditional way. What really promotes us is the results
6 and the individuals who do CrossFit; and then we say
7 that the people who go to a gym and then go home into
8 their local communities, they are our best promotion
9 because they are talking to their friends, and their
10 friends are saying, hey, you look great, how did you
11 lose so much weight, or how are you doing these things
12 now you could never do before in CrossFit.

13 So we look at our individuals as our tool for
14 promotion, but then we use media to highlight these
15 things to show the program, to show how effective it is;
16 so we're not doing, again, typical promotion efforts.

17 BY MR. KOSMA:

18 Q. What kind of media do you use?

19 A. Well, we have our -- you know, we make videos
20 and we put them on our main site, on our CrossFit
21 journal, on our Facebook pages. We have a whole media
22 team who just creates or tells stories from what's
23 happening in the community and the CrossFit Games.

24 Q. You mentioned the main site. What is the main
25 site?

1 A. The main site is a place that's been around
2 since 2002 that's published workouts every day
3 regardless of what's happened in the world or in
4 CrossFit, and it's where -- it is the impetus for all
5 the growth in CrossFit, essentially. It's what started
6 people becoming aware of CrossFit once Greg put his
7 workouts online and started publishing everyday.

8 Back before social media I would say the main
9 site was the most relevant place or the place where most
10 people talked about CrossFit. There would be points on
11 the comments where there would be thousands of comments.

12 Nowadays because there's so many other places
13 to talk, there's not as much comments on the web page.
14 Regular web pages are becoming almost obsolete, but we
15 still keep that going, and it's the foundation of the
16 program and a lot of exposure for how people first get
17 exposed to CrossFit once they hear about it.

18 Nowadays it's becoming more of a common name,
19 CrossFit, but back in the day we had to point a lot of
20 people, just go look at the main site and you'll find
21 out about CrossFit.

22 Q. You mentioned social media. How has social
23 media changed the use of the CrossFit main site?

24 MR. BEGAKIS: Objection. Calls for
25 speculation.

1 A. It's changed in that, again, people are having
2 the conversations other places, rather than on websites;
3 and I think that's just common all across the internet
4 world. People aren't talking so much on blogs; they are
5 talking more in social media spaces.

6 BY MR. KOSMA:

7 Q. And --

8 A. And our community is huge in social media,
9 Instagram, Facebook. Our workouts and a lot of the
10 things we do make it easy to -- especially something
11 like Instagram, where people can upload a 14-second clip
12 of them doing a Clevenger, and so our -- not our --
13 social media makes it really easy for people to share
14 and interact and talk about CrossFit.

15 Q. Do you have a social media account?

16 A. Yes.

17 Q. On what social medias do you have an account?

18 A. Instagram. But last night I started a Facebook
19 page, and I think the night before I started a Twitter.
20 I haven't done anything on those but I've started them.

21 Q. And how often do you post to your social media?

22 A. On Instagram I post at least once a day.
23 During CrossFit events I would post more. I'll post a
24 lot more.

25 I view my Instagram as a way to highlight

1 CrossFit to the community and any events we have going
2 on. I don't use it so much to promote myself or I don't
3 do anything personal on it, like I'm not showing my
4 family. Instagram for me is a way to promote and
5 highlight CrossFit.

6 Q. How effective do you -- would you say the
7 promotion of CrossFit on Instagram is?

8 MR. BEGAKIS: Objection. Calls for
9 speculation.

10 A. I don't know. Honestly don't. Actually let me
11 rephrase that. The -- about a week and a half ago I
12 posted "Support Your Local Box" in regards to some of
13 the legislation that's going on in D.C. about making
14 some rules for trainers in D.C. that would hurt our
15 CrossFit affiliates, and that thing was reposted and
16 shared over a couple hundred times on different websites
17 and the Support Your Local Box website that was created,
18 to where people can go and petition the government there
19 not to get involved, had over I think 1200 letters
20 submitted after I posted that; and it brought a lot of
21 awareness to that project.

22 So there -- I'm only saying there it was
23 effective because I have some actual numbers to it.
24 Towards the other things, I mean I don't know how many
25 people are tuning into the games or watching the games

1 or paying attention to an event because I post
2 something, and I'm not going to be arrogant enough to
3 say it's significantly important. That example I use --
4 I'll only use because there are some numbers that back
5 it up.

6 BY MR. KOSMA:

7 Q. Do you know Rob Orlando?

8 A. Yeah, and I know him well.

9 Q. Do you know when you first met Mr. Orlando?

10 A. I don't remember when I first met him, but I do
11 remember when he first came on the scene and he came
12 on -- you know, it's interesting. We talk about social
13 media and its effects on people, and social media has
14 made a lot of CrossFit stars. There are people who are
15 stars that don't even deserve to be CrossFit stars, and
16 I say that in the sense of performance-wise. You know,
17 with the games there's people who are in it who are top
18 performers now with Instagram and all of these social
19 media outlook. You can just look good and show a lot of
20 skin and get a lot of followers and be significant in
21 the social media world.

22 I would say Rob was one of the -- there's
23 almost -- I'm classifying three tiers of time frame in
24 the CrossFit sphere of celebrities. There was pre-games
25 to 2008 or '9, the first few games where there was a

1 cross of celebrities like Greg Amundson, Andy Sakamoto,
2 Nicole Carroll, and then James FitzGerald and Jolie
3 Gentry in that early period, and this was all pre-social
4 media. This was all through being promoted on main
5 site, on dot com.

6 Then there this was period where there's the
7 new generation, and I would say Rob was one of the stars
8 of the new generation, Chris Spealler, Spencer Hendel,
9 Dave Lipson, Rob Orlando -- who else -- Katie -- or
10 Tanya Wagner. And, again, this new generation, this was
11 still around the time frame of no social media. You
12 know, it was all just being put on the main site or the
13 game's website.

14 Rob at the time was featured a lot on our main
15 site because of his exploits and because of what he was
16 able to do. At the time he was one of just the pure
17 strongest Crossfitters we had ever seen, and so he was
18 highlighted all the time.

19 He would do some of our benchmark workouts with
20 one arm. He'd do one arm fran, one arm pull-ups, one
21 arm thrusters, and no one else was doing stuff like
22 that.

23 So for this mid-range period pre-, like,
24 Froning and the modern group, he was definitely one of
25 the superstars and one of the most seen athletes on our

1 community.

2 And if I went back and looked on the main site
3 and looked at the number of times he ran video of his,
4 it would probably be, you know, tremendous.

5 MR. BEGAKIS: Objection. Speculation.

6 BY MR. KOSMA:

7 Q. What year are we talking about here were these?

8 A. 2008, '-9, '10, '11.

9 And at that time he was highlighted on the game
10 site for his games accolades and how well he did there
11 and how well he did at the regionals; but then, again,
12 to separate the two, he would also on his own do a lot
13 of feats and do a lot of individual things of strength,
14 Strongman stuff too and CrossFit stuff we would put on
15 our main site.

16 So he was getting publicized on the main site
17 and the game site, regardless, where some athletes would
18 only be publicized or highlighted on the game site.

19 Then, to even take it a step further, he
20 eventually started his own -- not started, but he
21 started doing the Strongman courses which eventually
22 came under the CrossFit banner. So what he was able to
23 do was -- some of those athletes, who I don't want to
24 say faded away in that period -- he continued and
25 continued to keep his momentum of being a contributor in

1 the community going because he contributes through
2 education now instead of through athletic feats because
3 he's a little old now and can't do the things he used to
4 do or maybe more people can do them is the point.

5 Q. You mentioned seminars. What are CrossFit
6 seminars?

7 A. So we have what we call our core seminars,
8 which are Level 1, level 2, and a CrossFit Kids course,
9 and then we have what we call our SMEs, Subject Matter
10 Experts.

11 And Rob is one of 12 SME seminars that we offer
12 from kettlebells to weightlifting, to striking, to
13 endurance, to Strongman. And Rob's background, he was a
14 Strongman before he was a CrossFitter.

15 Q. Are you also in charge of the Subject Matter
16 Experts?

17 A. Yes, I am.

18 Q. How important are the seminars, these Subject
19 Matter Experts to CrossFit?

20 MR. BEGAKIS: Objection. Calls for speculation
21 and narrative.

22 A. The seminar program is very important to
23 CrossFit, as it's one of the major financial engines to
24 the whole company.

25 We have affiliates and we have seminars that

1 bring in the money. The games don't bring in a ton of
2 money but those other two do. I don't want to say a ton
3 but do bring in a lot of money.

4 BY MR. KOSMA:

5 Q. What is the exposure of the Subject Matter
6 Experts?

7 MR. BEGAKIS: Objection. Calls for
8 speculation.

9 A. In terms of -- they're highlighted also; so the
10 Subject Matter Experts are known as an offering within
11 the world of CrossFit courses that you can take, and so
12 what we do is we highlight them on our sites and on our
13 social media as best as we can and, you know, are
14 continually working to make that better.

15 BY MR. KOSMA:

16 Q. And where are these seminars provided?

17 A. The Subject Matter Expert, the SME seminars are
18 provided wherever the host -- wherever the SME lead
19 wants to go. So we don't tell them where to go. They
20 tell us where they'd like to go, and then we sign off on
21 it or not.

22 The Level 1s and the Level 2s and the core
23 courses, I decide where all of those are.

24 (Deposition Exhibit 1 was marked for
25 identification)

1 BY MR. KOSMA:

2 Q. Mr. Castro, I'm going to pass you what's been
3 marked Exhibit 1 into evidence.

4 MR. BEGAKIS: Thank you.

5 BY MR. KOSMA:

6 Q. Are you familiar with this image on this
7 document?

8 A. Yeah, very familiar with this. This is Rob
9 Orlando's -- his logo for his Hybrid Athletics, and the
10 thing with this is he did a very good job early on in
11 making this a known logo in the community via --

12 MR. BEGAKIS: Objection. Calls for
13 speculation.

14 A. -- via competing in the CrossFit Games and all
15 those videos I talked about where he was highlighted.
16 He would be wearing his Hybrid shirt, which I could
17 argue was one of the most popular shirts during that
18 period because Progenics wasn't doing much. Rogue --
19 Progenics wasn't doing anything at the time. Rogue
20 wasn't doing many shirts, and Reebok wasn't even
21 involved with us.

22 So at the period you had CrossFit shirts and
23 then you had people like Rob who had made shirts popular
24 because they were star athletes; and so this logo, when
25 I see it in relation to Rob, I see two things. We've

1 talked about it being a yoke. That's -- whenever I see
2 that, I think of a yoke, somehow you can get in there
3 and carry it.

4 We actually talked before about making a giant
5 yoke out of that and then the Husafell Stone. Those are
6 the two things I associate with it, besides, obviously,
7 Rob. But I see Strongman implements in this design, and
8 that's one of the reasons why it was always so strong to
9 me.

10 And, again, during that 2008, '9, '10, '11
11 period when Rob was really popular as an athlete, he
12 made this really popular. Then he continued on and
13 started doing his education and training, and he still
14 wore this at courses and still it was his logo.

15 You go to his gym -- I've been to his gym in
16 Connecticut, and it's on the wall. All of his shirts
17 had it. And he had a clean design. Yeah, I see it
18 right there. He had a really clean design where it was
19 just front and center, and that's what, I think, made it
20 a popular shirt; and it was this gray, light gray ratty
21 shirt that he wore all the time that you just -- that's
22 what you knew Rob Orlando for.

23 MR. BEGAKIS: Speculation.

24 (Deposition Exhibit 2 was marked for
25 identification)

1 (Deposition Exhibit 3 was marked for
2 identification)

3 BY MR. KOSMA:

4 Q. Mr. Castro, I'm going to hand you what's been
5 marked as Exhibits 2 and 3 into evidence.

6 Do you recognize Exhibit 2?

7 A. The shirt for sure. I remember the shorts. I
8 don't remember Jaco being on them but I remember him
9 having board shorts. But the shirt, that's the
10 most -- that's what I recognize most and remember most.

11 Q. And in traveling for CrossFit between the years
12 of 2008 and 2012, how often would you see the Hybrid
13 Athletics H?

14 A. I'd see it on -- a handful of times on people
15 who were fans of Rob, and when I'd go to his gym I saw
16 it a lot at his gym, but there were people out there who
17 would purchase his shirts, and I'd see them and you'd
18 spot there's the shirt, you know, that must be a Rob
19 fan.

20 Q. And how often would you see Mr. Orlando wearing
21 a shirt in the videos he's posted on the main site?

22 A. All the time.

23 MR. BEGAKIS: Objection. Leading the witness.

24 A. All the time. He wore his shirt -- like I said
25 earlier, he always wore that shirt, and he was smart

1 about it. He was promoting his brand. He probably was
2 never in a CrossFit video where he was not wearing that
3 shirt.

4 BY MR. KOSMA:

5 Q. Are you familiar with Mr. Orlando's stone
6 molds?

7 A. Yes.

8 Q. And have you seen the Hybrid H on the stone
9 molds?

10 A. Yes.

11 Q. And in your travels how often do you see
12 Mr. Orlando's stone molds?

13 A. Those I see a lot. The stone molds -- he
14 started selling the stone mold that gave -- stones in
15 the beginning were very hard to come by, where are you
16 going to get them, you're not going to be able to ship
17 them, you're not going to create a stone and send it.

18 So Rob created molds to make them, and then he
19 started selling those, and those did really well, and
20 the thing with the stone mold is it had this big H on
21 there.

22 So you go into the gym, and any gym you go into
23 now and you see stone molds -- a lot of them have
24 them -- the stone molds probably have that H on them
25 because they were made out of the molds that Rob would

1 send.

2 Rob would actually run camps -- not camps. But
3 they were like little events where you'd barbecue and
4 they'd have stone-making barbecues.

5 And I remember he did one in Temecula, he did
6 them back East, he did them all over the place to help
7 promote the stones, the product, the movements.

8 Q. In your opinion in the years 2008 to 2012 how
9 well-known in the CrossFit community was the Hybrid
10 Athletics H?

11 MR. BEGAKIS: Objection. Calls for
12 speculation.

13 A. Very well-known because of Rob, and that's the
14 thing. Like, Rob was one of the premier athletes during
15 that time frame, and like it or not in our community --
16 and some people don't like it, but if you're an athlete
17 and you're a star athlete, you get a lot of attention,
18 and not even from us but from the community.

19 The community demands it. They want to know
20 what they are doing. The community wants to know how
21 that athlete trains.

22 Rob was a star athlete at the time. He was
23 doing Strongman training mixed with CrossFit training.
24 The community wanted to know about that. And every time
25 he put himself out there with us, he was wearing the

1 shirt. At the games he wore that shirt, that logo, you
2 know, any video. We did a road trip up and down the
3 coast. That was a big popular series. He was -- you
4 know, it culminated actually in one of his seminars. He
5 wore the logo and you couldn't see Rob Orlando without
6 that logo.

7 BY MR. KOSMA:

8 Q. Mr. Castro, I'm marking -- I'll hand you what
9 I've marked as Exhibit 4 into evidence.

10 (Deposition Exhibit 4 was marked for
11 identification)

12 MR. KOSMA: I'll also hand you what's been
13 marked Exhibit 5 into evidence.

14 (Deposition Exhibit 5 was marked for
15 identification)

16 BY MR. KOSMA:

17 Q. Do you recognize these pictures?

18 A. Yes. That's his gym and these are his stone
19 molds in front of the wall or in front of the H.

20 Q. And looking at Exhibit 4 --

21 A. Yeah.

22 Q. -- is that the H in the stone mold that you see
23 when you travel?

24 A. Yes. Yep.

25 MR. KOSMA: Can we take a quick break, quick

1 five, ten minute break?

2 (Recess was taken from 10:54 until 11:02 a.m.)

3 BY MR. KOSMA:

4 Q. Mr. Castro, you mentioned that Mr. Orlando was
5 popular between the years of 2008 and 2011.

6 A. '11, '12, yeah. I mean -- when I say popular I
7 mean at the peak of popularity because of the CrossFit
8 Games and his exploits in those games and qualifying.
9 I'm not saying he's not popular now or then didn't
10 become popular, but those were like the years he was
11 most seen and exposed via our outlets.

12 Q. And how popular was the Hybrid H in the United
13 States in that time?

14 MR. BEGAKIS: Objection. Leading the witness.

15 A. For an athlete and a single brand to highlight
16 an athlete, probably the most -- in CrossFit probably
17 the most popular brand to associate an athlete with.
18 And, again, you've got to remember at the time there
19 wasn't Rebook and -- that didn't come till later. That
20 came out 2010.

21 So in the early years he was pre-Reebok. He
22 had one of the more noticeable brands. Rogue wasn't
23 heavy into making t-shirts yet but they eventually
24 would. So it was at a time frame when there wasn't many
25 other brands promoting their logo. It was CrossFit.

1 There was Hybrid. Again Faster, they were kind of a
2 popular brand then.

3 BY MR. KOSMA:

4 Q. Mr. Castro, I want to hand you what's been
5 marked Exhibit 6 and Exhibit 7 into evidence.

6 (Deposition Exhibit 6 was marked for
7 identification)

8 (Deposition Exhibit 7 was marked for
9 identification)

10 BY MR. KOSMA:

11 Q. Do you recognize the logo appearing in these
12 exhibits?

13 A. Yes.

14 Q. What is this logo?

15 A. It's Hylete's logo.

16 Q. When did you first see the Hylete H logo?

17 A. So the first instance that this crossed my
18 radar was at the 2013 or '12 -- I think it was '13
19 regional in Texas, and we had the event set up at -- I
20 forget the name of the venue, but it's a stadium right
21 next to where the Spurs played, where the Spurs used to
22 play. And the way this venue is set up -- so it's a
23 basketball stadium. We had vendors all around the
24 perimeter of the actual competition floor, whereas most
25 places we go to we have vendors altogether. This one

1 they were spread out in this walkway.

2 So I -- you know, I told you I go to all the
3 events to support them and show support to the
4 community. I went to this regional, did my duties on
5 the floor and with the event staff, and then what I
6 always do when I go to these events is I walk through
7 and see all the vendors.

8 Well, I walked up and I was walking through and
9 seeing all the vendors and I saw this logo and I said,
10 oh, Rob Orlando has a booth here. I didn't know that.

11 And I walk up to the person, one of the people
12 working the booth; and I said, oh, Rob's selling here,
13 is he here.

14 And they go no, this isn't Rob Orlando's, this
15 is another brand called Hylete; and the person then said
16 let me go get -- like the person seemed uncomfortable.
17 They said let me go get --

18 MR. BEGAKIS: Objection. Speculation.

19 A. -- someone else to talk to you about this, and
20 they walked away and grabbed a female -- I don't know
21 who she was; I think she might have been one of the
22 owners then -- brought her back; and she said no, this
23 isn't Rob Orlando's, this is our own thing, and this is
24 a different company.

25 And I said, oh, okay, and I just walked away,

1 and then I moved on and continued to look at the rest of
2 the vendors. I thought it was weird because of the
3 logo.

4 MR. BEGAKIS: Objection. Nonresponsive.

5 A. I thought it looked exactly like this with
6 obviously a minor -- a few tweaks, but it definitely
7 caused confusion when I saw it.

8 MR. BEGAKIS: Objection.

9 A. I thought it was him, and I thought essentially
10 he'd expanded his offerings for selling clothing.

11 MR. BEGAKIS: Nonresponsive.

12 MR. BRENNER: For sake of clarity -- this is
13 Marshall Brenner, representing Dave Castro in his
14 individual capacity. For sake of clarity for the
15 transcript, as well as letting the witness finish, could
16 you reserve your questions -- or excuse me -- your
17 objections until after he finishes his response.

18 It's sort of interrupting the witness, and it's
19 also interfering with the court reporter's ability to
20 effectively take down everything that's said.

21 MR. BEGAKIS: With respect to objections as to
22 the form of the question, I'll make them after the
23 question is asked.

24 With respect to objections as to the answer,
25 I'll happily reserve them till the end of the answer.

1 MR. BRENNER: Thank you.

2 BY MR. KOSMA:

3 Q. Mr. Castro, when you say you were confused,
4 what do you mean?

5 MR. BEGAKIS: Objection. Leading the witness
6 and calls for a narrative.

7 A. The confusion was in who was sponsoring, who
8 held that booth and who was selling gear at the CrossFit
9 regional. I was confused in that I thought it was his
10 equipment or his gear.

11 BY MR. KOSMA:

12 Q. When you say "his" --

13 A. Rob Orlando. I thought Rob Orlando's Hybrid
14 was being represented in this booth; but then when I
15 asked them about it, I said, oh, this is Rob's equipment
16 or booth, they said no, this is not. And they quickly
17 informed me that it was a different brand.

18 So I was, like, that's interesting. At this
19 time I had no idea about, you know, any of the history
20 between them or between Rob and Hylete or if there was
21 any history. That was just the first instance that it
22 crossed my radar, and it caused me to be confused in
23 that I thought it was his brand, Rob Orlando's brand.

24 Q. Do you know anybody that works at Hylete?

25 A. No.

1 Q. Do you know the name of any of the people that
2 you talked to at the 2013 regionals?

3 A. No.

4 Q. Have you experienced any other consumer
5 confusion between the Hybrid H and the Hylete H?

6 MR. BEGAKIS: Objection. Leading the witness.

7 A. Probably not, no. I don't really -- I haven't
8 seen it much, like it doesn't -- it's not really crossed
9 my radar.

10 BY MR. KOSMA:

11 Q. When you say "it"?

12 A. The Hylete logo or the Hylete brand since then
13 really hasn't crossed my radar except for at the 2013
14 games when they were giving their product away,
15 essentially illegally. They crashed it and had a
16 backpack and were giving stuff away, and the person who
17 works for me who handles sponsorships had to track them
18 down and tell them to stop it.

19 MR. BEGAKIS: Objection. The witness has made
20 a statement that calls for speculation with regard to
21 reference to selling gear illegally.

22 A. They weren't selling it. They were giving it
23 away. They were not selling gear at the CrossFit Games.
24 They were giving it away, which actually at the CrossFit
25 Games is a stronger way to get your -- if you're going

1 to crash it or if you're going to do something like
2 that, giving it away would be a much more effective way
3 to get your brand out there.

4 BY MR. KOSMA:

5 Q. Mr. Castro, since getting involved in CrossFit,
6 how often do you buy CrossFit style apparel?

7 MR. BEGAKIS: Objection. Leading the witness.

8 A. Honestly not often because it's given to me so
9 much. I hardly ever buy anything CrossFit-related.
10 Rogue routinely sends me gear. Reebok routinely sends
11 me gear. Affiliates give me shirts. Most brands that
12 can get to me or contact me, they'll send me packages.
13 So I don't buy CrossFit-related stuff.

14 BY MR. KOSMA:

15 Q. Mr. Castro --

16 A. I actually routinely give it away. I give a
17 lot of stuff away.

18 MR. BEGAKIS: Objection. The witness is
19 nonresponsive.

20 MR. KOSMA: I'm going to take one more quick
21 five-minute break, and then we're going to be done.
22 Okay? Quick break?

23 MR. BEGAKIS: Sure.

24 (Recess was taken from 11:12 until 11:14 a.m.)

25 //

1 (Deposition Exhibit 8 was marked for
2 identification)

3 BY MR. KOSMA:

4 Q. Mr. Castro, I'm going to hand you what's been
5 marked Exhibit 8 into evidence.

6 Have you seen this document before?

7 A. This is the one you showed me yesterday?
8 That's it, yesterday.

9 Q. Is this why you're here today?

10 A. Yes.

11 MR. KOSMA: Okay. I have no further questions.

12 MR. BEGAKIS: We'll take a five-minute break,
13 and then I have a couple of questions.

14 MR. KOSMA: Okay.

15 (Recess was taken 11:15 until 11:19 a.m.)

16 EXAMINATION

17 BY MR. BEGAKIS:

18 Q. Okay. Mr. Castro, I just have a couple of
19 questions. I'd like to direct you back to Exhibit 1.

20 A. I got it.

21 Q. You were talking about your impression of what
22 this logo looked like. You said it looked like a yoke;
23 correct?

24 A. Yes.

25 Q. What was the other item you said it looked

1 like?

2 A. A Husafell Stone.

3 Q. Could you describe what that is?

4 A. It's -- goes up like that and comes across like
5 that, and it's a Strongman implement that they grab and
6 carry.

7 Q. Different than the Atlas stone?

8 A. Different than the Atlas stone, and they are
9 rather large.

10 Q. You mentioned that you see Mr. Orlando's stone
11 molds in a lot of gyms; correct?

12 A. Correct.

13 Q. Have you seen other stone molds in gyms before?

14 A. Not that stand out. There is no other stone
15 mold -- there is no other stone mold that has a logo in
16 it. So there are other stones that are just slick, and
17 those almost you don't even -- you just -- for all I
18 know it has that logo on the other side.

19 What I'm saying is the only ones that actually
20 have a logo on them are this one.

21 Q. But irrespective of the logo, there are other
22 companies making stone molds; correct?

23 A. I don't know, actually. To be honest, I don't
24 know if there are other companies that make stone molds.

25 Q. Let me rephrase the question, then.

1 In gyms you see stone molds other than those
2 branded with the Hybrid H; correct?

3 A. No. I don't see stone molds. I almost never
4 see the actual molds. I see the stones. So I see
5 stones. If they are branded, they are branded with the
6 H. If they are not branded, they just don't have
7 anything on them.

8 Q. Okay. You said you don't sponsor gyms but
9 you've been known -- CrossFit has been known to waive
10 affiliate fees in the past; correct?

11 A. Yes.

12 Q. Has CrossFit ever waived an affiliate fee for
13 Rob's gym?

14 A. I don't know, and I don't think he's ever
15 asked. He's never asked me. I don't know if we've ever
16 waived his fee. I couldn't speak to the affiliates
17 either. So if a fee is going to be waived, it's usually
18 because myself or Greg Glassman puts it in play. The
19 affiliate team doesn't do that on their own, usually;
20 and I don't know if -- Rob has never asked me. I don't
21 know if he asked Greg.

22 Q. I'd like to direct you to Exhibit 7 again.

23 A. Okay.

24 Q. I just asked you to repeat sort of your
25 impression of the Hybrid H and what it looked like. I'd

1 like to ask you what is your impression of this logo
2 when you see it?

3 A. My impression of this logo when I look at it
4 intently and give you an idea of what I think it is, the
5 shape is very much like the Husafell stone, and then I
6 think the innards of it, essentially, instead of being
7 straight like his are just ballooned out. So what I see
8 is a tweak or a modification of the Hybrid logo.

9 Q. Would you say it looks like a yoke?

10 A. I would say that the yoke aspect of it that I
11 said this one looks like is less of the characteristic
12 that you initially associate it with. What you see is
13 you see the shape and the Husafell shape. You
14 don't -- people don't know the Husafell Stone well. So
15 they don't say that, but that's the shape that they
16 recognize, and that's the shape that's essentially
17 preserved here.

18 For me to then say this looks like a yoke, it
19 doesn't as much as that does, but they're very similar.

20 Q. You've mentioned that you've been to hundreds
21 of CrossFit gyms; correct?

22 A. Correct.

23 Q. Both on the West Coast and the East Coast and
24 everywhere in between; correct?

25 A. Correct.

1 Q. But you mentioned earlier that you have only
2 seen Rob's shirt a handful of times outside of athletes
3 at his own gym; correct?

4 A. No. I said I've seen them on a handful of
5 people at those gyms -- yeah, outside of his.

6 Q. How often do you see that traditional gray
7 Hybrid athletic shirt in gyms in California?

8 A. Not often.

9 Q. How often would you say you see that shirt in
10 gyms in Texas?

11 A. The same amount, not often. Seen it but not --
12 I couldn't put a number to it.

13 Q. And in Florida?

14 A. Same. But I could say the same about this. I
15 don't see that that often either at any gym. I probably
16 have never seen the Hylete logo at a gym that I
17 recognized it, whereas I see the Hybrid logo at gyms.

18 Q. Hylete is not associated or affiliated with
19 CrossFit anymore; correct?

20 A. No. I don't know if any of the owners or
21 individuals have CrossFit affiliates, but as far as
22 having a formal relationship with us, no.

23 Q. Hybrid Athletics is still affiliated with
24 CrossFit; correct?

25 A. Hybrid Athletics is a CrossFit affiliate,

1 correct.

2 Q. You mentioned that brands have no life without
3 CrossFit.

4 A. I didn't say they had no life. That might
5 be -- I'd like to hear how I said that, because I doubt
6 I'd say that, because I don't believe that. I do not
7 believe that brands have no life without CrossFit.

8 Q. We can go back in the record and look. I have
9 a quote here that says with regards to the exposure of
10 brands that brands have no life without CrossFit.

11 MR. KOSMA: Objection. Misstating the
12 witness's testimony.

13 A. I would never say something that ignorant
14 because obviously brands can have a life and thrive
15 without being associated with us, even amongst our
16 community.

17 MR. BEGAKIS: I'd like to go back in the record
18 then and see what he had to say with regards to brands
19 and their life with or without CrossFit.

20 MR. BRENNER: How do you propose to do that?

21 MR. BEGAKIS: I'd like to have her read back
22 that portion. There was a question I would say maybe
23 four or five in with regards to what kind of exposure
24 brands have when they are associated with CrossFit.

25 MR. BRENNER: She has shorthand transcription.

1 How is she going to --

2 MR. BEGAKIS: Let's do it this way, then:

3 Q. You discussed the exposure that brands gain
4 when they're associated with CrossFit; correct?

5 A. Correct.

6 Q. You said you've seen companies blow up when
7 they are affiliated or associated with CrossFit;
8 correct?

9 A. Correct.

10 Q. You mentioned Rogue is a company that's popular
11 and has grown in popularity as being associated with
12 CrossFit; correct?

13 A. Correct.

14 Q. And Hybrid Athletics is associated and
15 affiliated with CrossFit; correct?

16 A. Correct, but not to the degree that someone
17 like Rogue is.

18 Q. So why then, in your opinion, with Hylete not
19 being associated and affiliated with CrossFit and Hybrid
20 Athletics being affiliated and associated with CrossFit
21 that Hybrid Athletics has declined in popularity?

22 A. I wouldn't say that they've declined in
23 popularity, but I would also say that Hybrid Athletics
24 isn't an apparel company primarily.

25 That logo has been around and associated with

1 him and his apparel, but he doesn't have the ambitions
2 to be a major -- he doesn't have the ambitions to be a
3 major apparel player, although he offers apparel and
4 it's part of his apparel line.

5 If Rob wanted to make -- if Rob wanted to have
6 focus on the apparel years ago and had just done that,
7 he could have easily, and it would have been a big brand
8 maybe as popular as Rogue, but it's one piece of many
9 things that Rob does.

10 Q. Objection. The last portion of his answer was
11 nonresponsive to the question.

12 So you, as I mentioned, have gone to a lot of
13 CrossFit gyms. You've seen a lot of CrossFit
14 athletes --

15 A. Correct.

16 Q. -- wearing a lot of different brands?

17 A. Correct.

18 Q. Have you seen any CrossFit athletes wearing
19 Under Armour?

20 A. In China I just did. When I say athletes --
21 let me rephrase that -- CrossFit participants.

22 Q. Yes. Yeah. So you've seen CrossFit
23 participants wearing Under Armour?

24 A. Yes.

25 Q. You've seen CrossFit participants wearing

1 Hurley?

2 A. Maybe. It doesn't -- that one doesn't stand
3 out.

4 Q. Just one other question. You mentioned that
5 Rob was in the category of CrossFit stars between the
6 years of 2008 and 2011; correct?

7 A. Correct.

8 Q. And then you went back and said that he's no
9 longer at the peak of his popularity beyond 2011.

10 A. In terms of the competitors, no, because, you
11 know, he's not going to the games anymore.

12 Q. So it's fair to say that his popularity has
13 declined since 2011?

14 A. In terms of being a CrossFit competitor, he is
15 not one of the names, one of the big names as a CrossFit
16 athlete. In terms of what he offers to the community, I
17 wouldn't say it's declined.

18 Q. But you mentioned earlier in your deposition he
19 is no longer at the peak of his popularity.

20 A. In CrossFitt competitions, in competing in
21 CrossFit.

22 MR. BEGAKIS: No further questions.

23 MR. KOSMA: We'll take a couple minutes and
24 then come back.

25 (Recess was taken from 11:29 until 11:35 a.m.)

FURTHER EXAMINATION

BY MR. KOSMA:

Q. Mr. Castro, are you familiar with a Eleiko barbells?

MR. BEGAKIS: Objection. Relevance.

A. Yes, I am.

BY MR. KOSMA:

Q. Are they affiliated with CrossFit?

A. No, they are not.

Q. Does a brand need to be affiliated with CrossFit to gain popularity in CrossFit?

MR. BEGAKIS: Objection. Leading the witness.

A. No.

BY MR. KOSMA:

Q. How popular would you say Eleiko barbells are in CrossFit?

MR. BEGAKIS: Objection. Leading the witness.

A. Moderately. Not too popular. The brand is kind of popular but not the actual implement in use, because it's expensive and it's not a -- CrossFit gyms are not buying Eleiko barbells because they cost so much.

BY MR. KOSMA:

Q. But they're a well-known brand in CrossFit?

A. They are because they were the first high-end

1 barbell that Crossfitters knew of when people got
2 involved in CrossFit. They are a European brand, but
3 now Rogue makes barbells that are as good.

4 MR. BEGAKIS: Objection. Speculation as to the
5 witness' answer.

6 MR. KOSMA: No further questions.

7 MR. BRENNER: All right.

8 MR. KOSMA: Read and sign. The witness will
9 read and sign.

10 (Whereupon at 11:36 p.m. the deposition was
11 concluded)

12 - - -
13
14
15
16
17
18
19
20
21
22
23
24
25

DECLARATION UNDER PENALTY OF PERJURY

I, DAVID CASTRO, the witness herein,
declare under penalty of perjury that I have read and
examined the foregoing testimony and the same is a true,
correct, and complete transcription of the testimony
given by me, and any corrections appear on the attached
Errata sheet signed by me.

Dated this 10 day of NOVEMBER,
2015, at CARLSBAD, CALIFORNIA.
(City) (State)


DAVID CASTRO

REPORTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
2.

I, KARLA MEYER BAEZ, Certified Shorthand Reporter
No. 4506 for the State of California, do hereby certify:

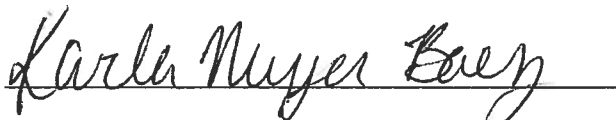
That prior to being examined, the witness named in
the foregoing deposition, DAVID CASTRO, was duly sworn
to testify the truth, the whole truth, and nothing but
the truth;

That said deposition was taken down by me in
shorthand at the time and place therein named and
thereafter reduced by me to typewritten form and that
the same is a true, correct, and complete transcript of
said proceedings.

Before completion of the deposition, review of the
transcript {X} was { } was not requested. If requested,
any changes made by the deponent (and provided to the
reporter) during the period allowed, are appended
hereto.

I further certify that I am not interested in the
outcome of the action.

Witness my hand this 21st day of September, 2015.


KARLA MEYER BAEZ, CSR NO. 4506

1 NAME OF CASE: Hybrid V. Hylete

2 DATE OF DEPOSITION: September 9, 2015

3 NAME OF WITNESS: David Castro

4 Reason Codes:

5 1. To clarify the record

6 2. To conform the facts

7 3. To correct transcription errors

8 Page_____ Line_____ Reason_____

9 From_____ to_____

10 Page_____ Line_____ Reason_____

11 From_____ to_____

12 Page_____ Line_____ Reason_____

13 From_____ to_____

14 Page_____ Line_____ Reason_____

15 From_____ to_____

16 Page_____ Line_____ Reason_____

17 From_____ to_____

18 Page_____ Line_____ Reason_____

19 From_____ to_____

20 Page_____ Line_____ Reason_____

21 From_____ to_____

22

23

24

25

DAVID CASTRO

A	Applicant 1:8 3:13 application 12:10 approached 18:9 Arbor 17:13 areas 13:14 argue 30:17 arm 26:20,20,20,21 Armour 50:19,23 arrogant 25:2 asked 39:23 40:15 45:15,15,20,21,24 aspect 9:19 14:12 46:10 assigned 11:19 associate 31:6 36:17 46:12 associated 16:23 19:20 47:18 48:15 48:24 49:4,7,11 49:14,19,20,25 associating 17:3 association 17:1 19:5 assurance 11:20 athlete 31:11 34:16 34:17,21,22 36:15 36:16,17 51:16 athletes 20:16 26:25 27:17,23 30:24 34:14 47:2 50:14,18,20 athletic 28:2 47:7 Athletics 1:4 4:5 5:11 30:9 32:13 34:10 47:23,25 49:14,20,21,23 Atlas 44:7,8 attached 54:7 attention 10:17 25:1 34:17 Attorney 3:21 Attorneys 3:5,13 August 12:6 Australia 10:8 11:8 aware 22:6 awareness 24:21	B back 18:18 22:8,19 25:4 27:2 34:6 38:22 43:19 48:8 48:17,21 51:8,24 background 28:13 backpack 41:16 Baez 1:24 2:12 55:3 55:24 ballooned 46:7 banner 27:22 barbecue 34:3 barbecues 34:4 barbell 53:1 barbells 52:4,15,21 53:3 basically 11:23 12:21 basketball 37:23 becoming 8:4,5 22:6,14,18 BEGAKIS 3:16 5:6 9:15 11:13 14:15 15:15 16:7 17:8 19:13 21:3 22:24 24:8 27:5 28:20 29:7 30:4,12 31:23 32:23 34:11 36:14 38:18 39:4 39:8,11,21 40:5 41:6,19 42:7,18 42:23 43:12,17 48:17,21 49:2 51:22 52:5,12,17 53:4 beginning 8:23 11:2 33:15 believe 48:6,7 benchmark 26:19 beret 6:25 7:1 best 17:9 18:14 21:8 29:13 better 29:14 beyond 18:1 51:9 big 15:3 21:1 33:20 35:3 50:7 51:15	biggest 16:12 Bill 17:12,13 18:9 18:12,22,23 19:16 Bill's 19:2 billboards 20:19 block 18:6 blogs 23:4 blow 19:3 49:6 board 1:2 32:9 booth 38:10,12 40:8,14,16 Box 24:12,17 boxes 17:25 brand 17:3,10 33:1 36:15,17 37:2 38:15 40:17,23,23 41:12 42:3 50:7 52:10,18,24 53:2 branded 45:2,5,5,6 brands 15:25 16:4 16:5,9,19,22,25 17:7 19:6,10,12 36:22,25 42:11 48:2,7,10,10,14 48:18,24 49:3 50:16 break 35:25 36:1 42:21,22 43:12 Brenner 3:22 39:12 39:13 40:1 48:20 48:25 53:7 bring 18:25 29:1,1 29:3 brought 24:20 38:22 build 18:10 building 2:11 18:12 bumper 18:21 bumpers 19:23 business 9:20 10:19 buy 18:10,20 42:6,9 42:13 buying 52:21	2:12,14 3:15 10:8 47:7 55:4 call 28:7,9 called 6:2 17:15 38:15 calls 9:15 14:15 15:15 16:7 17:8 21:3 22:24 24:8 28:20 29:7 30:12 34:11 40:6 41:20 camps 34:2,2 Canada 11:7 capacity 7:20 39:14 Carroll 9:1 26:2 carry 31:3 44:6 case 19:18 56:1 cash 20:10 Castro 1:14 2:9 5:4 6:9,10 30:2 32:4 35:8 36:4 37:4 39:13 40:3 42:5 42:15 43:4,18 52:3 54:3,15 55:6 56:3,25 category 51:5 caused 39:7 40:22 celebrities 25:24 26:1 center 31:19 CEO 8:19 CEOs 10:12 certain 14:3 CERTIFICATE 55:1 Certified 2:13,14 6:3 55:3 certify 55:4,19 chairs 8:17 changed 22:23 23:1 changes 55:16 characteristic 46:11 charge 28:15 Charles 2:10 Chief 3:20,23 China 16:11 50:20 Chinese 16:25
C				
C 3:1 6:1 California 1:15				

choice 19:2,2 chose 7:16 Chris 26:8 cities 11:8 city 12:11 54:11 clarify 56:5 clarity 39:12,14 classifying 25:23 clean 31:17,18 Clevenger 23:12 clip 23:11 clothing 39:10 Coach 7:23 coast 35:3 46:23,23 Codes 56:4 college 6:19 Columbus 18:5,6 com 26:5 come 33:15 36:19 51:24 comes 44:4 commence 14:17 comments 22:11,11 22:13 common 22:18 23:3 Communist 16:24 communities 21:8 community 11:21 16:1 17:6 19:11 19:15 21:23 23:8 24:1 27:1 28:1 30:11 34:9,15,18 34:19,20,24 38:4 48:16 51:16 companies 10:12 19:3,4 44:22,24 49:6 company 17:15,21 17:22 18:2,15 28:24 38:24 49:10 49:24 competing 30:14 51:20 competitions 51:20 competition 9:25 37:24	competitor 51:14 competitors 14:20 14:23 51:10 complaint 16:12 complete 54:6 55:12 completion 55:14 concluded 53:11 conditioning 19:21 conform 56:6 confused 40:3,9,22 confusion 39:7 40:7 41:5 Connecticut 3:7 31:16 consolidated 18:12 consolidating 18:6 18:22 consumer 41:4 contact 42:12 continually 29:14 continued 4:1 7:10 27:24,25 31:12 39:1 contributes 28:1 contributor 27:25 conversations 23:2 cool 17:20 core 28:7 29:22 correct 43:23 44:11 44:12,22 45:2,10 46:21,22,24,25 47:3,19,24 48:1 49:4,5,8,9,12,13 49:15,16 50:15,17 51:6,7 54:6 55:12 56:7 corrections 54:7 cost 52:21 Counsel 3:20,23 country 16:24 couple 24:16 43:13 43:18 51:23 course 7:25 28:8 courses 27:21 29:11,23 31:14 court 39:19	crash 42:1 crashed 41:15 crazy 13:23 create 33:17 created 19:24 24:17 33:18 creates 21:22 creating 14:8,8 cross 26:1 crossed 37:17 40:22 41:8,13 CrossFit 3:20 6:13 6:14 7:10,11,14 7:16,16,18,19,21 8:1,2,3,5,9,13,19 9:5,10,12,13,16 9:18,24,25 10:2 10:21 11:5 12:2,3 12:5,7,8,11,18,22 12:22,25 13:5,9 13:11,12,15,17,20 14:12,14,17,18 15:25 16:6,20 17:1,2,7,11 18:15 18:16,18 19:11,15 20:1,2,3,4,15 21:2 21:6,12,20,23 22:4,5,6,10,17,19 22:21,23 23:14,23 24:1,5,7,15 25:14 25:15,24 27:14,22 28:5,8,19,23 29:11 30:14,22 32:11 33:2 34:9 34:23 36:7,16,25 40:8 41:23,24 42:5,6 45:9,12 46:21 47:19,21,24 47:25 48:3,7,10 48:19,24 49:4,7 49:12,15,19,20 50:13,13,18,21,22 50:25 51:5,14,15 51:21 52:8,11,11 52:16,20,24 53:2 CrossFit-related 42:9,13	CrossFitt 51:20 CrossFitter 28:14 CrossFitters 17:3 26:17 53:1 CSR 1:24 55:24 culminated 35:4 current 6:12 cute 17:21	deserve 25:15 design 31:7,17,18 Dieguito 2:10 different 12:7 13:14 18:19 24:16 38:24 40:17 44:7 44:8 50:16 direct 43:19 45:22 directly 14:7 Director 8:22 9:6,9 9:13,16 Directors 9:2 discussed 49:3 document 30:7 43:6 doing 14:1,3,4,9,10 15:9 21:11,16 23:12 26:21 27:21 30:18,19,20 31:13 34:20,23 dot 26:5 doubt 48:5 dropped 6:18 duly 6:2 55:6 duties 9:14,16 38:4
D				
D 6:1,1 D.C 24:13,14 DATE 56:2 Dated 54:9 Dave 26:9 39:13 David 1:14 2:9 5:4 6:9 54:3,15 55:6 56:3,25 day 12:8 22:2,19 23:22 54:9 55:21 days 16:11 decide 29:23 decided 18:24 deciding 18:23 decision 7:13 18:23 DECLARATION 54:1 declare 54:4 declined 49:21,22 51:13,17 definitely 26:24 39:6 degree 49:16 demands 34:19 department 9:19 14:7 deploy 7:15 deponent 3:21 55:16 deposition 1:14 2:9 5:18 29:24 31:24 32:1 35:10,14 37:6,8 43:1 51:18 53:10 55:6,9,14 56:2 describe 44:3 Description 5:10				
E				
E 3:1,1 earlier 18:3 32:25 47:1 51:18 early 26:3 30:10 36:21 earned 8:22 10:25 easily 16:13 50:7 East 34:6 46:23 easy 16:15 23:10,13 education 28:2 31:13 effective 21:15 24:6 24:23 42:2 effectively 39:20 effects 25:13 efforts 20:21 21:16 either 45:17 47:15 Eleiko 52:3,15,21 employer 6:12 ended 17:25				

<p>endurance 28:13</p> <p>engines 28:23</p> <p>enlisted 6:19</p> <p>entire 14:13</p> <p>Entirely 19:14</p> <p>equipment 19:16 40:10,15</p> <p>equivalent 6:25</p> <p>Errata 54:8</p> <p>errors 56:7</p> <p>especially 23:10</p> <p>ESPN 15:11</p> <p>ESQ 3:8,16</p> <p>essentially 11:20 22:5 39:9 41:15 46:6,16</p> <p>Europe 11:9</p> <p>European 53:2</p> <p>evening 12:13</p> <p>event 25:1 37:19 38:5</p> <p>events 9:18,22,23 10:10,11 11:21,22 16:6 23:23 24:1 34:3 38:3,6</p> <p>eventually 8:22 27:20,21 36:23</p> <p>everyday 22:7</p> <p>evidence 30:3 32:5 35:9,13 37:5 43:5</p> <p>exact 15:21</p> <p>exactly 39:5</p> <p>EXAMINATION 5:2 6:6 43:16 52:1</p> <p>examined 6:3 54:5 55:5</p> <p>example 12:19 25:3</p> <p>excuse 39:16</p> <p>Exhibit 5:10,11,12 5:13,14,15,16,17 5:18 29:24 30:3 31:24 32:1,6 35:9 35:10,13,14,20 37:5,5,6,8 43:1,5 43:19 45:22</p> <p>exhibits 5:9 32:5</p>	<p>37:12</p> <p>expanded 8:12 39:10</p> <p>expensive 52:20</p> <p>experienced 41:4</p> <p>Expert 29:17</p> <p>Experts 28:10,16 28:19 29:6,10</p> <p>exploits 26:15 36:8</p> <p>exposed 22:17 36:11</p> <p>exposure 16:5 22:16 29:5 48:9 48:23 49:3</p> <p>eyes 11:18</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>Facebook 21:21 23:9,18</p> <p>facts 56:6</p> <p>faded 27:24</p> <p>fair 51:12</p> <p>familiar 15:25 16:3 30:6,8 33:5 52:3</p> <p>family 24:4</p> <p>fan 32:19</p> <p>fans 14:21,23 32:15</p> <p>far 47:21</p> <p>Faster 17:21 18:22 18:24 37:1</p> <p>Fe 1:15 2:11</p> <p>feats 27:13 28:2</p> <p>featured 26:14</p> <p>featuring 20:23</p> <p>fee 20:10 45:12,16 45:17</p> <p>fees 45:10</p> <p>feet 18:4</p> <p>fell 18:8</p> <p>female 38:20</p> <p>financial 28:23</p> <p>find 22:20</p> <p>finish 39:15</p> <p>finishes 39:17</p> <p>first 6:2 8:5,13 9:4 13:9 14:17,18 15:2,18 17:16</p>	<p>22:16 25:9,10,11 25:25 37:16,17 40:21 52:25</p> <p>Fitness 17:14</p> <p>FitzGerald 26:2</p> <p>five 12:12 18:19 36:1 48:23</p> <p>five-minute 42:21 43:12</p> <p>flew 10:18</p> <p>floor 3:14 37:24 38:5</p> <p>Florida 47:13</p> <p>Flower 3:14</p> <p>flying 10:13</p> <p>focus 50:6</p> <p>followers 25:20</p> <p>follows 6:4</p> <p>foot 18:13</p> <p>foregoing 54:5 55:6</p> <p>forget 15:21 37:20</p> <p>form 39:22 55:11</p> <p>formal 9:7 20:12 47:22</p> <p>formalized 9:8 18:2</p> <p>format 14:24</p> <p>foundation 22:15</p> <p>founder 8:19 17:13</p> <p>four 7:11 48:23</p> <p>frame 25:23 26:11 34:15 36:24</p> <p>fran 26:20</p> <p>free 11:2</p> <p>Friday 10:8</p> <p>friends 21:9,10</p> <p>Froning 26:24</p> <p>front 31:19 35:19 35:19</p> <p>full-time 7:15</p> <p>further 27:19 43:11 51:22 52:1 53:6 55:19</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 49:3 52:11</p> <p>game 17:18 27:9,17 27:18</p>	<p>game's 26:13</p> <p>games 9:5,6,10,13 9:17,18,24 11:5 14:12,14,17,18 16:3,20 17:2 18:1 20:15 21:23 24:25 24:25 25:17,25 27:10 29:1 30:14 35:1 36:8,8 41:14 41:23,25 51:11</p> <p>gear 16:14,18 17:5 17:18,21,22 18:16 18:19 19:1 40:8 40:10 41:21,23 42:10,11</p> <p>gears 16:19</p> <p>generation 26:7,8 26:10</p> <p>Gentry 26:3</p> <p>getting 11:3 16:18 19:4 27:16 42:5</p> <p>giant 31:4</p> <p>give 16:10 20:6,7,7 42:11,16,16 46:4</p> <p>given 14:5 42:8 54:7</p> <p>giving 41:14,16,22 41:24 42:2</p> <p>Glassman 7:23 8:19 45:18</p> <p>globally 11:10</p> <p>go 10:23 11:16,17 11:25 12:12,13 14:9 18:2,19,20 18:21 20:14 21:7 21:7 22:20 24:18 29:19,19,20 31:15 32:15 33:22,22 37:25 38:2,6,14 38:16,17 48:8,17</p> <p>goal 11:24</p> <p>goes 17:17 44:4</p> <p>going 11:8,8,9 13:9 13:22 15:3 18:24 18:25 22:15 24:1 24:13 25:2 28:1 30:2 32:4 33:16</p>	<p>33:16,17 41:25 42:1,20,21 43:4 45:17 49:1 51:11</p> <p>good 16:10 25:19 30:10 53:3</p> <p>government 18:9 24:18</p> <p>grab 44:5</p> <p>grabbed 38:20</p> <p>gray 31:20,20 47:6</p> <p>great 21:10</p> <p>green 6:25,25</p> <p>Greg 8:19 10:12 13:21 22:6 26:1 45:18,21</p> <p>grew 14:2 15:14</p> <p>group 3:4 26:24</p> <p>grow 13:12,14 17:7</p> <p>growing 9:8 15:12</p> <p>grown 14:14 15:5 17:10 18:15 49:11</p> <p>growth 13:25 14:6 14:11,11 15:7 18:14 19:7,17 22:5</p> <p>guy 8:16</p> <p>guys 17:17</p> <p>gym 12:5,9 13:1,3 20:7,8,9,14 21:7 31:15,15 32:15,16 33:22,22 35:18 45:13 47:3,15,16</p> <p>gymnastics 18:20</p> <p>gyms 12:2,3,7,12 12:18,22 13:8,10 20:1,2,3,4,7 44:11 44:13 45:1,8 46:21 47:5,7,10 47:17 50:13 52:20</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H 5:16 32:13 33:8 33:20,24 34:10 35:19,22 36:12 37:16 41:5,5 45:2 45:6,25</p> <p>half 7:3 16:23</p>
---	---	---	---	--

24:11	hundred 14:23	important 16:22	job 1:25 30:10	35:7,12,16,25
hand 10:1 32:4	24:16	19:11 25:3 28:18	JOHN 3:16	36:3 37:3,10 40:2
35:8,12 37:4 43:4	hundreds 46:20	28:22	johnbegakis@tsi...	40:11 41:10 42:4
55:21	Hurley 51:1	impression 43:21	3:17	42:14,20 43:3,11
handful 32:14 47:2	hurt 24:14	45:25 46:1,3	Jolie 26:2	43:14 48:11 51:23
47:4	Husafell 31:5 44:2	INDEX 5:1	journal 21:21	52:2,7,14,23 53:6
handles 41:17	46:5,13,14	individual 20:16	jump 17:15,16,25	53:8
happened 22:3	Hybrid 1:4 4:5	27:13 39:14	18:3	
happening 21:23	5:11 30:9,16	individuals 16:25		L
happens 19:8,8	32:12 33:8 34:9	20:22,25 21:6,13	K	land 18:10,10
happily 39:25	36:12 37:1 40:13	47:21	Karla 1:24 2:12	large 44:9
hard 16:18 20:9	41:5 45:2,25 46:8	informal 12:15	55:3,24	Law 2:10 3:12
33:15	47:7,17,23,25	informally 8:25	Katie 26:9	lead 9:19,19 29:18
headquarters	49:14,19,21,23	informed 40:17	keep 22:15 27:25	leaders 11:21
18:11,13	56:1	infrastructure 14:9	keeping 12:20	leadership 11:19
hear 22:17 48:5	HYBRID000664	initially 46:12	kept 12:23	leading 8:10 11:13
heavy 10:6 36:23	5:12	innards 46:6	kettlebells 28:12	19:13 32:23 36:14
held 2:9 40:8	HYBRID000670	Instagram 23:9,11	key 11:24	40:5 41:6 42:7
hello 13:2	5:14	23:18,22,25 24:4	Kids 28:8	52:12,17
help 8:15 17:17	HYBRID000680	24:7 25:18	kind 19:23 21:18	learn 13:6
20:11,13 34:6	5:15	instance 37:17	37:1 48:23 52:19	leaving 7:9
helped 8:24 11:1,2	HYBRID004102	40:21	knew 31:22 53:1	legislation 24:13
helping 7:22,23	5:17	INTELLECTUAL	know 8:24 9:7 10:5	Let's 49:2
8:16	HYBRID00674	3:12	10:7,12,13,17	letters 24:19
Hendel 26:8	5:13	intently 46:4	11:7,12 12:12	letting 39:15
Henniger 17:13	Hylete 1:7 4:6 5:16	interact 23:14	13:6,18 14:1,12	level 7:23 14:4 28:8
hereto 55:18	5:17 37:16 38:15	interested 8:4	14:25 15:4 16:2,9	28:8 29:22,22
hey 10:15 13:22	40:20,24 41:5,12	15:12 55:19	16:10,18,23 17:2	life 19:19 48:2,4,7
17:14 18:9 21:10	41:12 47:16,18	interesting 25:12	17:4,9,18 18:16	48:10,14,19
high 6:18	49:18 56:1	40:18	18:18 19:4 21:19	light 31:20
high-end 52:25	Hylete's 37:15	interfering 39:19	24:10,24 25:7,8,9	LiMandri 2:10
highlight 21:14		international 11:8	25:12,16 26:12	limit 13:25
23:25 24:5 29:12	I	internet 23:3	27:4 29:13 32:18	line 50:4 56:8,10,12
36:15	idea 40:19 46:4	interrupting 39:18	34:19,20,24 35:2	56:14,16,18,20
highlighted 26:18	identification	introduce 13:2	35:4 38:2,10,20	Lipson 26:9
27:9,18 29:9	29:25 31:25 32:2	investing 20:5	40:19,24 41:1	literally 8:16
30:15	35:11,15 37:7,9	invitational 9:25	44:18,23,24 45:14	Litigation 3:20,23
history 40:19,21	43:2	involved 24:19	45:15,20,21 46:14	little 10:14 28:3
hit 13:22,24,24	ignorant 48:13	30:21 42:5 53:2	47:20 51:11	34:3
home 21:7	illegally 41:15,21	IP 3:4	known 29:10 30:11	LLC 1:4,7 4:6
honest 44:23	image 30:6	irrespective 44:21	45:9,9	local 18:8 21:8
Honestly 24:10	impetus 22:4	item 43:25	KOSMA 3:8 5:5,7	24:12,17
42:8	implement 44:5		6:7 9:21 14:16	locations 18:5
host 29:18	52:19	J	15:24 19:9,25	logo 5:11,16,17
hours 12:13	implementing	J 3:8	21:17 23:6 25:6	30:9,11,24 31:14
HQ 20:3	11:24	Jaco 32:8	27:6 29:4,15 30:1	35:1,5,6 36:25
huge 16:9 23:8	implements 31:7	James 26:2	30:5 32:3 33:4	37:11,14,15,16

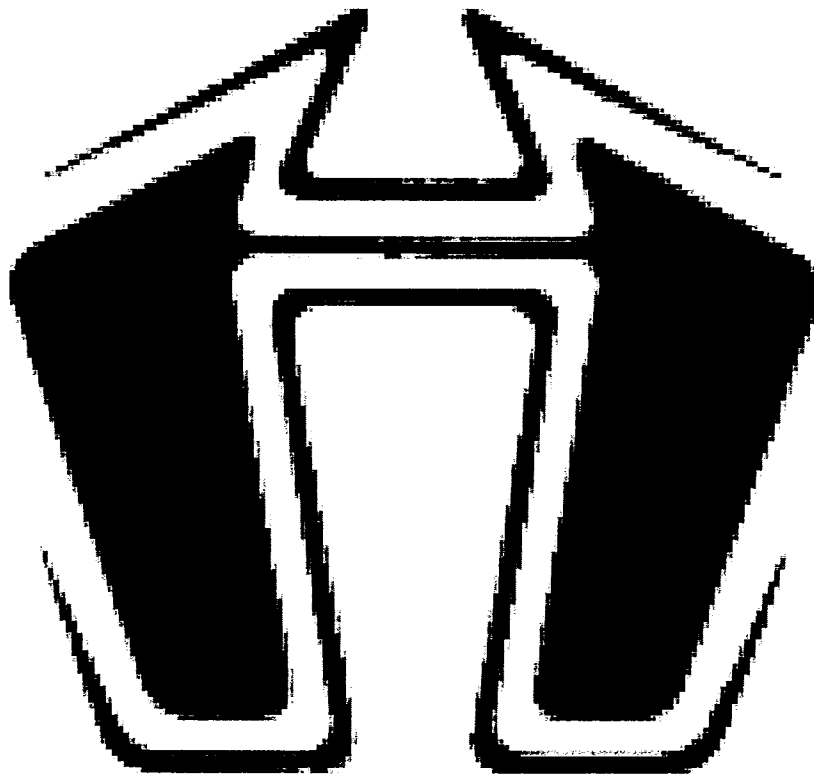
38:9 39:3 41:12 43:22 44:15,18,20 44:21 46:1,3,8 47:16,17 49:25 long 7:2 8:7 11:2 long-term 20:12 longer 51:9,19 look 17:9 21:10,13 22:20 25:19 39:1 46:3 48:8 looked 27:2,3 39:5 43:22,22,25 45:25 looking 35:20 looks 12:10 46:9,11 46:18 Los 3:15 lose 21:11 lot 10:2,10,14 12:3 14:10 18:13 19:6 22:16,19 23:9,24 24:20 25:14,19,20 26:14 27:12,13 29:3 32:16 33:13 33:23 34:17 42:17 44:11 50:12,13,16	marking 35:8 Marshall 3:22 39:13 marshall@crossf... 3:25 Matter 28:9,15,19 29:5,10,17 mean 8:15 13:13,17 15:10 16:9 24:24 36:6,7 40:4 meaning 14:8 media 20:24,24 21:1,14,18,21 22:8,22,23 23:5,8 23:13,15,21 25:13 25:13,19,21 26:4 26:11 29:13 medias 23:17 meeting 10:13 meetings 10:11 megamarket 19:24 mentioned 21:24 22:22 28:5 36:4 44:10 46:20 47:1 48:2 49:10 50:12 51:4,18 met 25:9,10 methodology 8:3 Meyer 1:24 2:12 55:3,24 MICHAEL 3:8 Michigan 17:13 Mid-Atlantic 11:15 mid-range 26:23 millions 17:5 mine 11:24 minor 39:6 minute 36:1 minutes 51:23 Misstating 48:11 mixed 34:23 mkosma@whpgr... 3:9 Moderately 52:18 modern 26:24 modification 46:8 mold 33:14,20	35:22 44:15,15 molds 33:6,9,12,13 33:18,23,24,25 35:19 44:11,13,22 44:24 45:1,3,4 momentum 27:25 money 29:1,2,3 month 10:5,18 14:2 14:3 months 6:19 move 8:17 moved 39:1 movements 8:2,3 34:7	numbers 15:22 24:23 25:4	organize 8:16 9:17 10:1 organizers 14:21 organizing 8:10 Orlando 4:5 25:7,9 26:9 31:22 32:20 35:5 36:4 38:10 40:13 Orlando's 30:9 33:5,12 38:14,23 40:13,23 44:10 outcome 55:20 outlets 20:24,24 36:11 outlook 25:19 outside 47:2,5 owner 17:13 owners 13:3 38:22 47:20
M		N		P
magazines 20:19 20:20 main 8:9 21:20,24 21:24 22:1,8,20 22:23 26:4,12,14 27:2,15,16 32:21 major 11:7 16:20 28:23 50:2,3 making 17:16 18:3 18:16 24:13 30:11 31:4 36:23 44:22 Man 13:13 manufacture 18:24 map 12:11,12 marked 29:24 30:3 31:24 32:1,5 35:9 35:10,13,14 37:5 37:6,8 43:1,5 market 19:22 markets 18:23		N 3:1 name 5:3 6:8 22:18 37:20 41:1 56:1,3 named 55:5,10 names 51:15,15 Nanos 16:14 narrative 9:15 14:15 15:15 17:8 21:3 28:21 40:6 Navy 6:16,17,21,25 7:2,4,6,9,11,13 need 10:15 13:4,6 17:18 20:10 52:10 neither 16:17 never 11:1 12:14 19:17 21:12 33:2 45:3,15,20 47:16 48:13 new 26:7,8,10 Nicole 9:1 26:2 night 23:18,19 nonresponsive 39:4 39:11 42:19 50:11 normal 20:18 Northeast 10:9 11:14 Northwest 11:15 Notice 5:18 noticeable 36:22 Nowadays 22:12,18 number 27:3 47:12	objections 39:17,21 39:24 obsolete 22:14 obviously 14:13 15:10 19:5 31:6 39:6 48:14 offer 28:11 offering 29:10 offerings 39:10 offers 50:3 51:16 OFFICE 1:1 Offices 2:10 oh 38:10,12,25 40:15 okay 15:3 38:25 42:22 43:11,14,18 45:8,23 old 6:10 28:3 once 11:23 22:6,17 23:22 ones 44:19 ongoing 20:12 online 22:7 open 9:24 15:7,14 15:16,17,17 operational 7:14 operator 6:24 opinion 34:8 49:18 Opposer 1:5 3:5 Opposer's 5:18 Opposition 1:5	pages 21:21 22:14 paid 11:3 parents 14:19 part 10:18 14:6 17:5 50:4 participants 50:21 50:23,25 participate 8:7 15:20 participating 15:8 15:23 participation 15:7 pass 30:2 PATENT 1:1 pay 10:17 paying 25:1 peak 36:7 51:9,19 penalty 54:1,4 people 8:4 14:20

15:8,9,12,20,22 20:6,18,19,20 21:7 22:6,10,16 22:20 23:1,4,11 23:13 24:18,25 25:13,14,17 28:4 30:23 32:14,16 34:16 38:11 41:1 46:14 47:5 53:1 people's 19:1 performance-wise 25:16 performers 25:18 perimeter 37:24 period 26:3,6,23 27:24 30:18,22 31:11 55:17 periods 10:6 perjury 54:1,4 person 38:11,15,16 41:16 personal 24:3 petition 24:18 Photograph 5:14 5:15 Picture 5:12 pictures 5:13 35:17 piece 50:8 place 22:1,9,9 34:6 55:10 places 22:12 23:2 37:25 plan 9:17 planned 18:7 planning 8:9 plates 18:21 play 37:22 45:18 played 37:21 player 50:3 please 6:8 point 7:12 14:3 22:19 28:4 points 22:10 pop 12:10 pops 10:15 popular 19:5 30:17 30:23 31:11,12,20	35:3 36:5,6,9,10 36:12,17 37:2 49:10 50:8 52:15 52:18,19 popularity 36:7 49:11,21,23 51:9 51:12,19 52:11 portion 48:22 50:10 position 10:25 post 23:21,22,23,23 25:1 posted 24:12,20 32:21 pre 26:23 pre-games 25:24 pre-Reebok 36:21 pre-social 26:3 pre-us 19:22 premier 34:14 PRESENT 4:4 preserved 46:17 primarily 49:24 principles 8:1 prior 55:5 probably 9:6,7 12:23 14:20,23 15:1 27:4 33:1,24 36:16,16 41:7 47:15 proceedings 55:13 produce 17:19 product 34:7 41:14 products 20:25 Professional 2:13 Progenics 16:17,17 19:4,10,18 30:18 30:19 program 8:4 9:20 21:15 22:16 28:22 project 24:21 promote 20:15,22 21:2,4 24:2,4 34:7 promoted 26:4 promotes 21:5 promoting 20:15 20:25 33:1 36:25	promotion 20:18 21:8,14,16 24:7 PROPERTY 3:12 propose 48:20 provided 29:16,18 55:16 publicized 27:16,18 published 22:2 publishing 22:7 pull 12:11 pull-ups 26:20 purchase 18:10 32:17 purchasing 19:16 pure 26:16 put 21:20 22:6 26:12 27:14 34:25 47:12 puts 45:18 putting 20:18,19 <hr/> Q qualification 14:25 qualifying 36:8 quality 11:20 question 39:22,23 44:25 48:22 50:11 51:4 questions 13:4 39:16 43:11,13,19 51:22 53:6 quick 35:25,25 42:20,22 quickly 40:16 quote 48:9 <hr/> R R 3:1 6:1 radar 37:18 40:22 41:9,13 ran 9:4 27:3 ranch 14:19 Rancho 1:15 2:11 ratty 31:20 reach 21:1 read 48:21 53:8,9 54:4	really 9:25 10:24 15:2,3,6 19:5 20:25 21:5 23:13 31:11,12,18 33:19 41:7,8,13 Realtime 2:13 Reason 56:4,8,10 56:12,14,16,18,20 reasons 10:25 31:8 Rebook 36:19 Recess 36:2 42:24 43:15 51:25 recognize 32:6,10 35:17 37:11 46:16 recognized 47:17 record 6:8 48:8,17 56:5 reduced 55:11 Reebok 10:13 15:10 16:13,14 30:20 42:10 reference 41:21 regard 41:20 regardless 22:3 27:17 regards 24:12 48:9 48:18,23 region 11:15 regional 11:18 37:19 38:4 40:9 regionals 9:24 10:6 10:9 11:12,24 27:11 41:2 regions 11:19 Registered 2:12 Regular 22:14 regularly 12:2,18 relation 30:25 relationship 47:22 Relevance 52:5 relevant 22:9 remember 13:21,21 25:10,11 32:7,8,8 32:10 34:5 36:18 repeat 45:24 rephrase 24:11 44:25 50:21	Reported 1:24 reporter 2:13,13,14 6:3 55:3,17 reporter's 39:19 55:1 reposted 24:15 represented 40:14 representing 39:13 requested 55:15,15 reserve 39:16,25 respect 39:21,24 response 39:17 responsible 14:7 rest 14:21 39:1 results 21:5 retire 7:4,7 retired 7:7 Retirement 7:5 review 55:14 right 10:23 16:21 17:20 18:23 19:2 31:18 37:20 53:7 right-hand 13:18 rings 18:20 19:23 road 2:11 10:23 16:18 35:2 Rob 4:5 25:7,22 26:7,9,14 28:11 30:8,23,25 31:7 31:11,22 32:15,18 33:18,25 34:2,13 34:14,22 35:5 38:10,14,23 40:13 40:13,20,23 45:20 50:5,5,9 51:5 Rob's 28:13 38:12 40:15 45:13 47:2 Rogue 17:9,9,14,15 19:10,15,16 30:18 30:19 36:22 42:10 49:10,17 50:8 53:3 Rogue's 19:18 role 8:8,9,12 11:3 16:3 rollers 19:23 Ron 4:6
---	---	---	---	--

rope 17:25	33:19 38:12 39:10	significant 25:20	spot 32:18	27:13
ropes 17:16,16 18:3	40:8 41:21,22,23	significantly 25:3	spots 20:6,7,8	striking 28:12
routine 10:16	seminar 7:23,24	similar 46:19	spread 18:5 38:1	strong 31:8
routinely 12:22	14:2,6 17:12 20:8	single 11:18 36:15	Spurs 37:21,21	stronger 41:25
42:10,10,16	28:22	site 18:21 21:20,24	square 18:4,13	strongest 20:24
RPR-CRR 1:24	seminars 7:22 8:7	21:25 22:1,9,20	stadium 37:20,23	26:17
rules 24:14	8:10 9:1 10:23,24	22:23 26:5,12,15	staff 38:5	Strongman 27:14
run 9:17 11:19 34:2	14:1,2,4 28:5,6,7	27:2,10,15,16,17	Stamford 3:7	27:21 28:13,14
running 9:1	28:11,18,25 29:16	27:18 32:21	stand 44:14 51:2	31:7 34:23 44:5
	29:17 35:4	sites 29:12	star 30:24 34:17,22	stuff 7:15 15:11
S	send 33:17 34:1	six 12:12 18:19	stars 25:14,15,15	19:22 26:21 27:14
S 3:1,14,22 6:1	42:12	skin 25:20	26:7 51:5	27:14 41:16 42:13
Sakamoto 26:1	sends 42:10,10	slick 44:16	start 6:17 7:17	42:17
sake 39:12,14	sense 20:5,17 25:16	small 19:6	20:14	style 42:6
San 2:10	sentence 16:16	smaller 19:4	started 7:19,22,22	Subject 28:9,15,18
Santa 1:15 2:11	separate 27:12	smart 32:25	8:11,13 9:8 10:22	29:5,10,17
Saturday 10:8	September 1:16 2:5	SME 28:11 29:17	11:4,23,25 12:20	submitted 24:20
saw 32:15 38:9	55:21 56:2	29:18	12:21 13:9,11,15	subsequent 8:20
39:7	series 35:3	SMEs 28:9	13:15,16 15:18	Suite 2:11
saying 21:10 24:22	set 37:19,22	social 22:8,22,22	17:15 22:5,7	Summer 3:6
36:9 44:19	seven 16:11	23:5,8,13,15,17	23:18,19,20 27:20	Sunday 10:9
says 17:14 48:9	shape 46:5,13,13	23:21 25:12,13,18	27:20,21 31:13	superstars 26:25
scaling 14:7,8	46:15,16	25:21 26:11 29:13	33:14,19	supplying 17:25
scene 25:11	share 23:13	solidifies 16:21	starting 10:20,23	support 11:20
schedule 9:17	shared 24:16	sort 39:18 45:24	17:17	24:12,17 38:3,3
12:14	sheet 54:8	source 17:19	state 6:8 54:11 55:4	supporting 13:5
scheduling 8:9	ship 33:16	South 11:9	statement 41:20	16:13 19:11,15,16
school 6:18	shirt 30:16 31:20	Southeast 11:14	States 1:1 36:13	supportive 19:14
Seal 6:22,23 7:2	31:21 32:7,9,18	spaces 23:5	stay 7:13	sure 32:7 42:23
see 30:25,25 31:1,7	32:21,24,25 33:3	speak 45:16	step 8:5 27:19	switch 14:24
31:17 32:12,14,17	35:1,1 47:2,7,9	Spealler 26:8	stone 31:5 33:5,8	sworn 6:2 55:6
32:20 33:11,13,23	shirts 30:17,20,22	special 6:24,24,24	33:12,13,14,17,20	
35:5,22 37:16	30:23 31:16 32:17	spectators 14:21	33:23,24 35:18,22	T
38:7 44:10 45:1,3	42:11	15:1	44:2,7,8,10,13,14	T 3:24 6:1
45:4,4,4 46:2,7,12	shoes 16:14	speculation 16:8	44:15,22,24 45:1	t-shirts 36:23
46:13 47:6,9,15	shorthand 2:14 6:3	22:25 24:9 27:5	45:3 46:5,14	take 27:19 29:11
47:17 48:18	48:25 55:3,10	28:20 29:8 30:13	stone-making 34:4	35:25 39:20 42:20
seeing 13:21 15:7	shortly 6:18	31:23 34:12 38:18	stones 33:14 34:7	43:12 51:23
18:14 38:9	shorts 32:7,9	41:20 53:4	44:16 45:4,5	taken 36:2 42:24
seen 13:12,14 14:10	show 11:20 12:16	Spencer 26:8	stop 41:18	43:15 51:25 55:9
17:5,7 19:3 26:17	15:1 21:15,15	sphere 25:24	stories 21:22	takes 12:13
26:25 33:8 36:11	25:19 38:3	sponsor 20:4,8 45:8	story 16:10,21	talk 13:3 22:13
41:8 43:6 44:13	showed 43:7	sponsoring 40:7	18:15	23:14 25:12 38:19
47:2,4,11,16 49:6	showing 24:3	sponsors 16:20	storyline 17:10	talked 20:1 22:10
50:13,18,22,25	side 13:18 44:18	sponsorship 15:11	straight 46:7	30:15 31:1,4 41:2
sell 19:1	sign 29:20 53:8,9	20:12	Street 3:6,14	talking 14:11 21:9
selling 18:16 33:14	signed 54:8	sponsorships 41:17	strength 19:21	23:4,5 27:7 43:21

Tanya 26:10 task 8:25 teach 7:25 8:1 teaching 8:11 team 7:23 21:22 45:19 teams 8:10 tell 29:19,20 41:18 tells 21:22 Temecula 34:5 ten 36:1 terms 15:8 17:10 29:9 51:10,14,16 testament 15:11 testified 6:4 testify 55:7 testimony 48:12 54:5,6 Texas 37:19 47:10 Thank 30:4 40:1 they'd 29:20 34:4 thing 17:16 20:13 24:15 30:10 33:20 34:14 38:23 things 11:17 19:24 21:11,15 23:10 24:24 27:13 28:3 30:25 31:6 50:9 think 15:19 20:18 23:3,19 24:19 31:2,19 37:18 38:21 45:14 46:4 46:6 thought 39:2,5,9,9 40:9,13,23 thousand 15:1 thousands 12:23 22:11 three 7:11 10:5 16:19,19 18:5 25:23 thrive 48:14 thrusters 26:21 tiers 25:23 till 9:7 12:24 36:19 39:25 time 11:2 12:14	14:13 16:18 25:23 26:11,14,16,18 27:9 30:19 31:21 32:22,24 34:15,22 34:24 36:13,18,24 40:19 55:10 times 10:5,18 24:16 27:3 32:14 47:2 title 8:14,15,22 9:2 9:9 titles 8:21,23 9:11 today 43:9 told 38:2 ton 29:1,2 tool 21:13 top 25:17 total 14:19 track 12:20,23 41:17 tracked 15:6 TRADEMARK 1:1 1:2 traditional 21:5 47:6 train 13:10 20:8 trainer 8:6 trainers 8:5,17 14:8 24:14 training 8:23 9:2 31:13 34:23,23 trains 34:21 transcript 39:15 55:12,15 transcription 48:25 54:6 56:7 travel 10:2,3,4,10 10:14,20 11:6,11 12:4 35:23 traveled 11:12,14 traveling 10:7,11 10:24 32:11 travels 33:11 tremendous 27:4 tremendously 15:5 Trial 2:9 5:18 tried 18:22 trip 35:2	true 54:5 55:12 truth 55:7,7,8 try 11:17 trying 17:24 TSIRCOU 3:12 tuning 24:25 tweak 46:8 tweaks 39:6 Twitter 23:19 two 9:11 10:5 14:2 27:12 29:2 30:25 31:6 two-day 7:25 typewritten 55:11 typical 21:16	U U.S 11:6,7,11 uncomfortable 38:16 unique 19:7 United 1:1 36:12 unofficial 20:9 upload 23:11 use 8:3 21:14,18 22:23 24:2 25:3,4 52:19 usually 45:17,19	V V 6:1 56:1 various 10:12 vendor 18:25 vendors 37:23,25 38:7,9 39:2 venue 37:20,22 video 27:3 33:2 35:2 videos 20:23 21:19 30:15 32:21 view 23:25 visit 12:2,3,4,18,22 12:25 visited 12:7,23 vs 1:6	W Wagner 26:10 waive 45:9 waived 20:10 45:12 45:16,17 walk 13:2 38:6,11 walked 17:14 38:8 38:20,25 walking 38:8 walkway 38:1 wall 31:16 35:19 Walmart 18:7,8 want 16:25 17:5 18:9 27:23 29:2 34:19 37:4 wanted 18:18 34:24 50:5,5 wants 29:19 34:20 warehouse 18:4 warfare 6:24 wasn't 9:6 17:23 19:14,15,22 30:18 30:19,20,20 36:19 36:22,24 watched 18:2 watching 24:25 way 8:24 20:24 21:5 23:25 24:4 37:22 41:25 42:2 49:2 ways 20:9 we'll 20:8,10 43:12 51:23 we're 13:22,23,23 13:24 14:4,9,10 16:17 20:19 21:16 42:21 we've 19:23 30:25 45:15 wearing 30:16 32:20 33:2 34:25 50:16,18,23,25 web 13:18 22:13,14 website 18:20 20:23 24:17 26:13 websites 18:19 23:2 24:16 WEDNESDAY	1:16 week 10:16 16:11 24:11 weekend 10:7 14:4 14:5 weight 21:11 weightlifting 18:21 28:12 weird 39:2 well-known 34:9 34:13 52:24 went 16:11 18:3 27:2 38:4 51:8 weren't 41:22 West 46:23 WHITMYER 3:4 Wilson 4:6 witness 5:3 6:2 11:13 19:13 32:23 36:14 39:15,18 40:5 41:6,19 42:7 42:18 52:12,17 53:5,8 54:3 55:5 55:21 56:3 witness's 48:12 wore 31:14,21 32:24,25 35:1,5 work 6:15 7:10,13 7:15,16 10:2 11:1 20:6 worked 7:10 8:24 working 6:14 7:17 7:19,20 8:18 12:21 13:8,16,20 29:14 38:12 workouts 22:2,7 23:9 26:19 works 40:24 41:17 world 16:23 17:24 19:21 22:3 23:4 25:21 29:11 wouldn't 19:8 49:22 51:17
				X X 55:15		

Y	125 14:19	56:7		
yeah 10:3 11:9 12:3	13 15:4 37:18	3-15 2:11		
13:21 16:2 19:3	13,000 13:19	3,000 13:22		
25:8 30:8 31:17	14-second 23:11	30 5:12 13:17		
35:21 36:6 47:5	143 12:7	300 14:22		
50:22	14821 1:25	31 5:13		
year 7:4,17 9:3,4	15 14:4,10	34 5:14,15		
10:7 12:6,6,20	16236 2:10	36 5:16,17		
14:22 15:2,4,18	17,000 15:19	36th 3:14		
15:20,21,22 18:4	180 15:21	38 6:11		
27:7	19,000 15:20			
years 7:3,5,8,12	1s 29:22	4		
8:11 11:4 12:17		4 5:14 35:9,10,20		
15:13 32:11 34:8	2	42 5:18		
36:5,10,21 50:6	2 5:12 28:8 31:24	43 5:6		
51:6	32:5,6 56:6	4506 1:24 2:14 55:4		
Yep 35:24	20 7:5,7,8 13:17	55:24		
yesterday 43:7,8	14:4,10 54:10			
yoke 31:1,2,5 43:22	2002 22:2	5		
46:9,10,18	2005 13:15,16	5 5:15 14:23 35:13		
	18:18	35:14		
Z	2006 7:19,21 9:4	5,000 13:24		
	10:22 12:22 13:16	50 14:20		
0	2007 9:4 11:5 14:18	515 3:14		
06901 3:7	17:12	52 5:7		
1	2008 9:9 12:17	6		
1 5:11 7:23 14:4,9	14:22 15:13,17	6 5:5,16 18:18 37:5		
28:8 29:24 30:3	17:12 25:25 27:8	37:6		
43:19 56:5	31:10 32:12 34:8	60 14:20		
10 12:1 27:8 31:10	36:5 51:6	600 3:6 14:23		
10,000 13:24	2009 9:9 14:23 15:2	619.540.5017 3:24		
10:16 2:6	15:6,17 18:1	675 5:13		
10:54 36:2	2010 7:6 11:25 15:4			
11 15:4 27:8 31:10	15:18 18:1 36:20	7		
36:6	2011 36:5 51:6,9,13	7 5:17 9:4 18:18		
11:02 36:2	2012 11:5,9 12:17	37:5,8 45:22		
11:12 42:24	15:13 32:12 34:8	70,000 15:20		
11:14 42:24	2013 37:18 41:2,13	700,000 18:4		
11:15 43:15	2015 1:16 2:5 55:21			
11:19 43:15	56:2	8		
11:29 51:25	21st 55:21	8 5:18 9:7 18:12		
11:35 51:25	270,000 15:22	43:1,5		
11:36 53:10	28 5:11			
12 7:3,8 15:4 28:11	2s 29:22	9		
36:6 37:18				
1200 24:19	3			
	3 2:11 5:13 32:1,5			

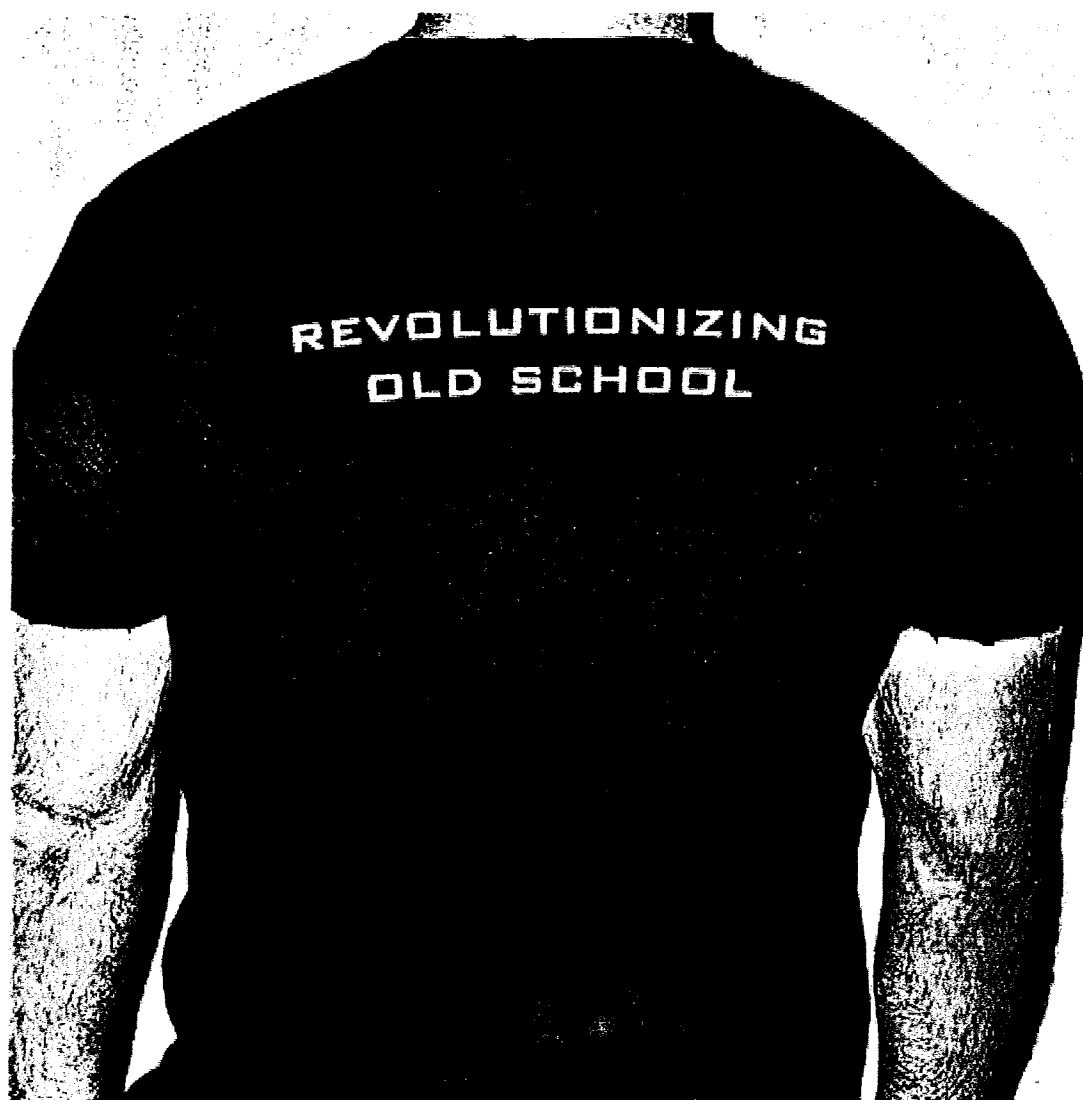


446rid v 446ete
91213057
CASTRO
EXHIBIT NO. 1
9-9-15
Karia M. Baez, CSR 4506



HYBRID000664

Hybrid U. Hylete
91213057
CASTRO
EXHIBIT NO. 2
9-9-15
Karla M. Baez, CSR 4506



HYBRID000665

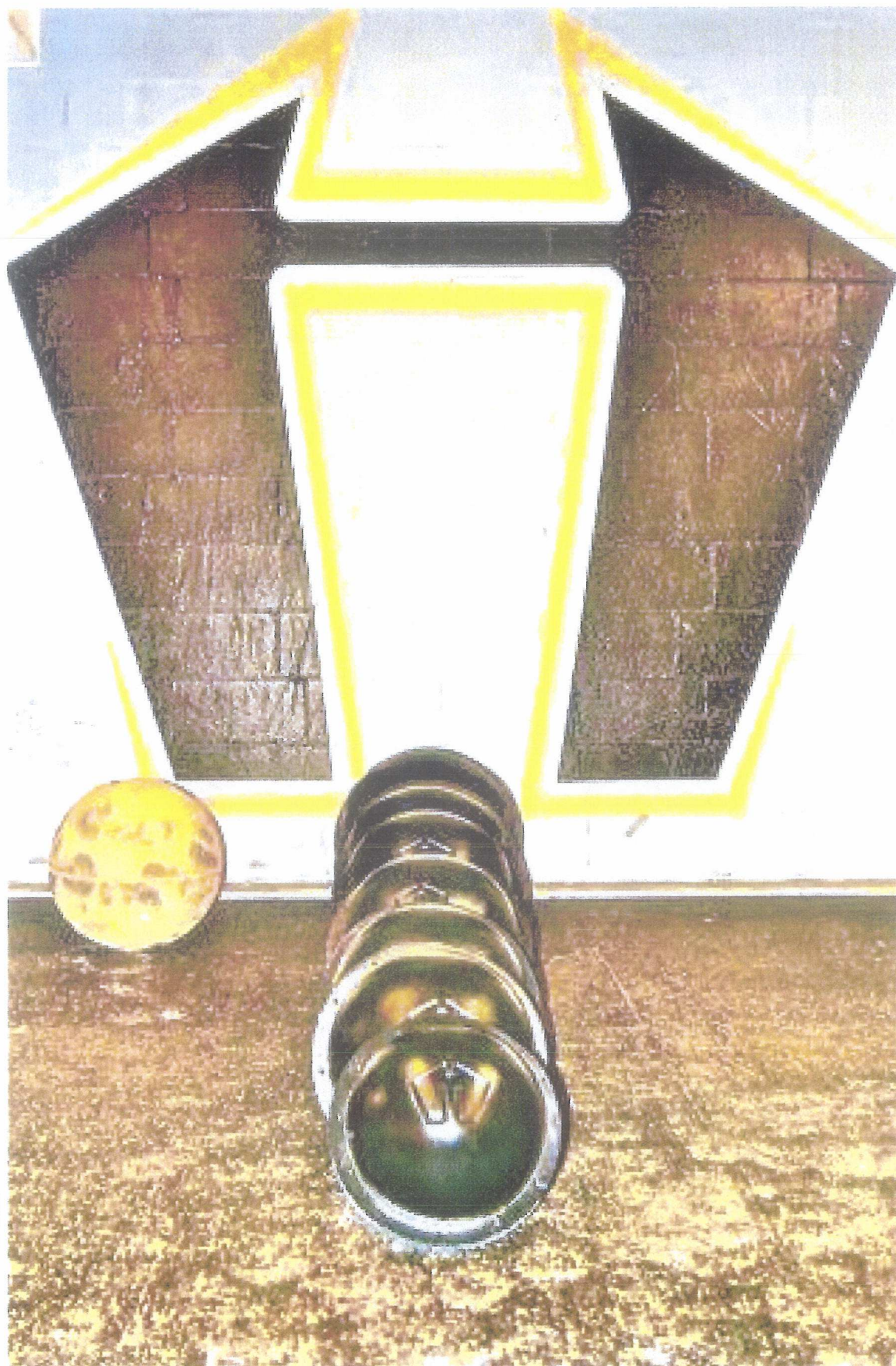


HYBRID0000674

Hybrid U Flyer
9/21/2017
Castro
EXHIBIT NO. 3
9-9-15
Karla M. Baez, CSR 4506



HYBRID000675



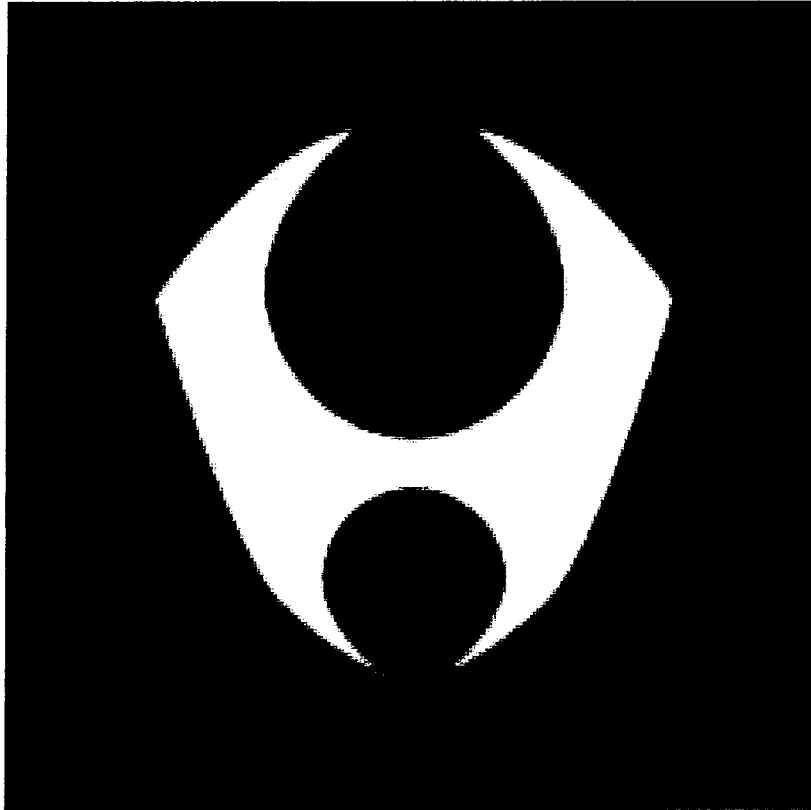
Hybrid VH 9/21/3057
CASINO
EXHIBIT NO. 4
9-9-15
Karia M. Baez, CSR 4506

HYBRID000670

HYBRID0000680

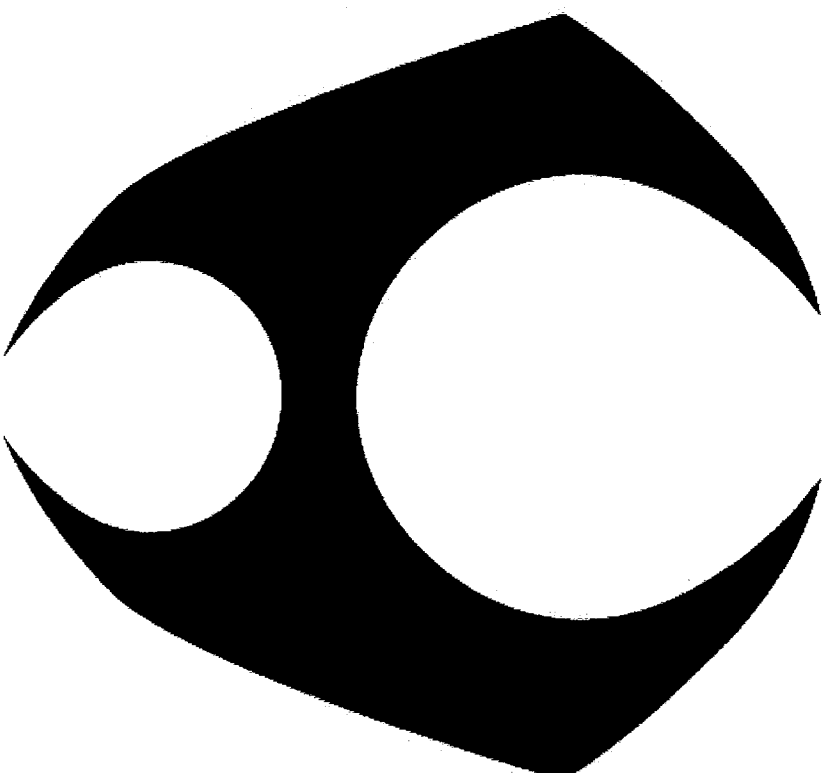
- 10"
- 12"
- 13"
- 14"
- 15"
- 16"
- 17"
- 18"

Hybrid v. Nyle
EXHIBIT NO. 5
9-15
Katie M. Beez, CSR 4506



Hybrid U Nylete
91213057
CASTRO
EXHIBIT NO. 6
9-9-15
Karla M. Baez, CSR 4506

Hybrid v. Hylete
912130517
CHSPO
EXHIBIT NO. 7
9-9-18
Karin M. Baez, CSR 4506



HYLETE

CONFIDENTIAL INFORMATION - DO NOT COPY – DO NOT DISTRIBUTE

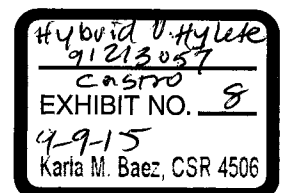
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

HYBRID ATHLETICS, LLC,	:	
	:	
Opposer,	:	Opposition No. 91213057
	:	
v.	:	
	:	
HYLETE LLC,	:	
	:	
Applicant.	:	

OPPOSER'S NOTICE OF TRIAL DEPOSITION

PLEASE TAKE NOTICE THAT pursuant to Trademark Rule 2.123 and Federal Rule of Civil Procedure 30, Opposer Hybrid Athletics, LLC. ("Opposer"), by its attorneys, will take the trial deposition by oral examination of Dave Castro, CrossFit, Inc., 135 Liverpool Drive, Encinitas, CA 92007, to be held at the Law Offices of Charles S. LiMandri, APC, 16236 San Dieguito Road., Building 3, Suite 3-15, Rancho Santa Fe, CA 92067, on September 9, 2015, commencing at 10:00 a.m. The deposition will be taken before a notary public or other officer duly authorized to administer oaths, and will be recorded by stenographic and/or video graphic means. The deposition will continue from day to day until completed.

All counsel of record are invited to attend the deposition and examine the deponent in accordance with applicable rules.



HYBRID ATHLETICS, LLC

August 28, 2015

/s/ Michael J. Kosma

Wesley W. Whitmyer, Jr.

Michael J. Kosma

Whitmyer IP Group LLC

600 Summer Street

Stamford, CT 06901

Tel. (203) 703-0800

Facsimile (203) 703-0801

Email: litigation@whipgroup.com

mkosma@whipgroup.com

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing OPPOSER'S NOTICE OF TRIAL DEPOSITION was served by first class mail, postage prepaid on the Correspondent for the Applicant as follows:

Kyriacos Tsircou
Tsircou Law, P.C.
515 S. Flower Street, Floor 36
Los Angeles, CA 90071-2221

August 28 , 2015
Date

/s/ Joan M. Burnett
Joan M. Burnett